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Front cover: Accident Inspectors at the scene of an airliner crash.

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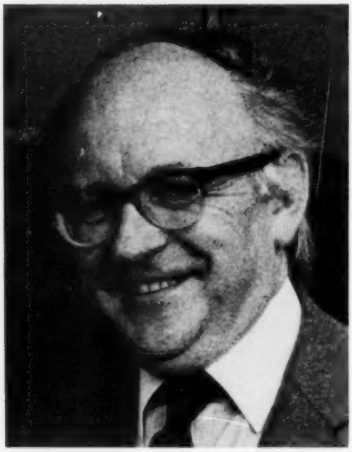
Reflections on Personnel Management in the Civil Service

Sir Peter Baldwin KCB



Sir Peter Baldwin was educated at the City of London School and Corpus Christi College, Oxford, where he is now an Honorary Fellow. He served in the Foreign Office from 1942 to 1945. He joined the Home Civil Service in 1948 and served in the General Register Office until 1954 when he moved to the Treasury where he spent most of the next 22 years. He then served for a short time in the Department of the Environment before becoming Permanent Secretary of the Department of Transport from which post he retired in 1982. In retirement he is now Chairman of the South East Thames Regional Health Authority.

'The bird that I am going to write about is the owl. The owl cannot see at all by day and at night is as blind as a bat.

'I do not know much about the owl, so I will go on to the beast which I am going to choose. It is the cow.'

(A child's essay, from *The Complete Plain Words* by Sir Ernest Gowers.*)

I am asked to write about 'personnel management'. The Oxford English Dictionary tells us that 'personnel' was 'first used in English in the French sense of "the sum of qualities which make up the character". But this can hardly be considered as more than an isolated use in English'. Indeed, in its modern use it abstracts the humanity from people. Would that, perhaps, be because they then seem more susceptible to the process of management? But they are still there, flesh, blood and personality.

**The Complete Plain Words* by Sir E Gowers, rev. ed. by Sir B Fraser, HMSO, 1973, p 43.

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What about 'management'? Suppose we were looking for a manager. Bimbo said to you 'I am in management'. Toby said 'I manage'. Would we not be more interested in Toby, because he would strike us as having the clearer head and be more likely to produce results?

What should he have in his head? At this stage he should have a lot of questions: For example, what are we going to try to achieve? How? How else? With what? At what cost? Can that be less? If so, with what results? How shall we know how we are getting on? Who would be needed to do the job? What would they need to know? How can we make sure they know it? How shall we get them with us, not just among us? And so on.

We have nouns for the directions in which this interrogation looks: policy; planning; options; resource management; financial appraisal and control; management information; recruitment; training; personnel management. I am not sure that we are much clearer in our minds, or much readier for action, by virtue of these nouns. What we can be sure about is, first, that all those questions (and many, many more, going ever deeper) have to be asked, answered and acted upon; and second, that the answers interact. If only because they interact none of them can be neglected. Indeed, they are not then, each of them, less important, but more important. This goes for personnel management, as for the rest.

It must be right to try to do better, if we can, in each direction of the interrogation: for example, to try to improve financial management (on which I spent much the largest part of my own time in the Civil Service). But even then it has to be seen as one of the interacting influences, with no distracting claim to be the prime one. If anything is 'prime' it is the quality of the total effect of all the interacting asking, answering and action in its own total context. For Ministers and the Civil Service that context is the whole of public affairs.

There is no escape from the need to ask, answer and act (including decision not to act), whatever enterprise we may be wanting or trying to operate: any industrial, commercial, charitable, educational, or research undertaking; any service; any club; any area of government. That is a long enough list, complete or not. It is long enough to raise the question whether there is any real underlying difference between the matters, apart from the content, which should be on the minds of people caught up in running each of them. They are all managing, at different levels perhaps and in different circumstances of course. They are all contributing to the total interacting process which is required for the operation to run intelligently to the best advantage of those for whom it is run.

That process has to be appreciated by someone as an interacting one. Otherwise it will not be an intelligent process at all.

In a government department, I want to suggest, this 'someone' has to include both the political and the official heads of the department. This is

because neither can do all the managing, and everyone who takes part must share the same understanding of the interactions if the departmental operation, multifarious as it will be, is not to lose its way.

The evidence to the Fulton Committee* had something to say about the total management task of the Civil Service:

> 'four aspects .... make up [this task]:
> (a) formulation of policy under political direction
> (b) creating the "machinery" for implementation of policy
> (c) operation of the administrative machine
> (d) accountability – to Parliament and the public'.

I am not the first to quote that passage in this journal: Sir Patrick Nairne did so last year.**

He expressed 'the task' in his own words, and remarked upon the nature of change in it, thus:

> '... at the top of at least the large departments, there has had to be a change in the way in which the Permanent Secretary discharges his own responsibilities. There is nothing new in his having to strike the best balance he can between his three principal functions of advising on, and watching over, policy, overseeing the organisation and management of the department, and discharging his personal responsibilities as Accounting Officer. But the character of the balance has had to alter. The Accounting Officer's responsibilities are, to say the least, no less, but the management functions have increased at the expense of the policy role.'

Sir Patrick points to a dilemma for both the political and the official head of a department when he also says:

> 'I foresee no change in what will continue to be the first priority of Ministers and civil servants: to apply, in constructive and close partnership, the political and administrative judgement and skills required to secure Cabinet endorsement of their departmental policy proposals; to translate those proposals into legislation and regulations or other measures that secure the assent of Parliament; and to handle effectively their public presentation.'

The dilemma emerges when Sir Patrick comments on the words I quoted just now from Fulton:

*_The Civil Service_, Vol 2: Report of a Management Consultancy: Evidence submitted to the Committee under the chairmanship of Lord Fulton, HMSO, 1968, p 82.

**_'Some Reflections on Change'_ by Sir P Nairne, in _Management in Government_. May 1982, pp 71 – 82.

> 'That is a definition that effectively covers all the functions for which a Permanent Secretary carries responsibility. In a department of the scale and character of the Northern Ireland Office he is bound to have a close personal hand in the "formulation of policy under political direction"; in a larger conglomerate such as the DHSS, it no less clearly falls to the Permanent Secretary to give a high personal priority to the functions at (b) [creating the "machinery" for implementation of policy], (c) [operation of the administrative machine] and (d) [accountability to Parliament and the public].

The ostensible dilemma is how to reconcile the high personal priority to be given to (b), (c) and (d) while (a) [formulation of policy under political direction] remains at the heart of the 'first priority of Ministers and civil servants', as Sir Patrick described it. Are we being driven towards a dichotomy between policy and management, with the top of the Civil Service structure concerned with management, receiving policy as given? This would deny the value of thinking through the interactions; for example, between policy and finance. We should, I believe, then suffer a loss in the intelligence of government, and probably therefore a loss of sensitivity also. Therefore I find an exact expression of my point of view in the words of John Cassels in a recent article in this journal*:

> 'I should greatly deplore it if the attention now being given to improving management in the Civil Service lent colour to a myth that there are two cultures in the Civil Service – the "policy" culture and the "management" culture. The future beckons in the opposite direction – to the need for the indivisibility of policy and management to be more fully recognised.'

If we look back to my short list of questions which should be on a manager's mind, it is plain to me, at least, that it is not logical, nor sensible, nor practical to set aside thought about what an operation or an organisation should be directed to achieving, which is traditionally described as 'policy', so that other minds will have to tackle the other questions which are traditionally described as 'management'.

Perhaps these hard-worked words have outlived their usefulness. This is certainly so if they now lead to debate about which of the two has the greater importance in the work of a department, or in the careers or experience of civil servants. The truth is that neither makes sufficient sense without the other: there is no way of organising, manning, equipping and financing a department of state, or even part of one, which will be 'right' in itself regardless of the purpose to which, for the time being, it is or should be directed.

I recall, for example, obtaining the agreement of the then Board of

*'Civil Servants and Management' by J S Cassels, in *Management in Government*. February 1983, pp 2–19.

Admiralty that, as the Assistant Secretary in charge of the responsible division of the Treasury, I should inspect the Naval Staff over 20 years ago. I duly found that the work of the staff was systematically distributed so that every aspect was provided for in the organisation. But the manning at that moment had equipped the Royal Navy admirably to fight a war with guns while the sun was setting on gunnery and rising on rocketry.

The conclusion about 'personnel management' to which this line of thought leads me is that there may well be risks of shortcomings in performance if it is set aside as a subject in itself; as something distinct from the operation in which the people within its scope are involved; as a function which can be discharged adequately without constant attention to what the operation is intended to achieve. Personnel management is not something different from the manager's managing of the people engaged in his operation.

I am therefore re-assured to see that the recent review of personnel work*, which has been made by the Management and Personnel Office working with a number of departments in a Rayner study, advises that wherever possible line-managers should assume direct responsibility for the management of the staff under them so that personnel work becomes an integral part of the more general management functions. But this recommendation is linked with another no less important, if only to prevent caprice, that greater involvement of line-managers in career development will need to be complemented by closer liaison with personnel divisions. I shall have more to say about this two-way relationship later.

In relation to the Civil Service, what is 'the operation' and who is 'the manager'?

The definition of a 'civil servant' in this country has been the subject of much writing, from the earnest to the knock-about. Peter Kellner and Lord Crowther-Hunt in their book published in 1980 entitled *The Civil Servants: an Inquiry into Britain's Ruling Class*** (itself a knock-about title) contrives to suggest a total of well over four million, in order to start the process of isolating 'just 4,000 policy-makers'. They raise their four million by including people working for 'subsidiaries' of the State –

> 'the nationalised industries, the National Health Service, and so on. They do not count as civil servants. Who says they do not? The Government says'.***

Yes, the Government has 'said', in that, with the consent of Parliament, it has formed the law which determines who the employers are of these 'subsidiaries'. It has not included as civil servants people who do not have

*_Review of Personnel Work in the Civil Service_: report to the Prime Minister, HMSO, 1983, paras 9.6 – 9.9.

**_The Civil Servants: an Inquiry into Britain's Ruling Class_ by P Kellner and Lord Crowther-Hunt, Macdonald General Books Ltd, 1980.

***Ibid, p 10.

the Government as their employer. Moreover, it has subjected those who seek to enter its employment on a permanent footing to the procedures of the Civil Service Commission, as an insurance of impartially determined standards and as a safeguard against corrupt purchase or gift of office. Finally, being itself the body through which the authority of the Crown is exercised, the Government employs civil servants as servants of the Crown, not of individual members of the Government. The people so employed are the people to whom I refer in this article as civil servants. It is irrelevant whether my definition has legal force or not; it is enough for my purpose that my definition corresponds to the reality to which I want to refer.

Suppose you were a newly appointed Minister with particular responsibility for the Civil Service arriving in office in the Treasury or the Management and Personnel Office. A little rubbing of the hands and the question comes: 'I must see as many of our people in the Civil Service as I can. Where are they?' So the answer begins.

Those who are usually brought by their work into closest touch with Ministers are the members of the Open Structure; that is, everyone of Under Secretary rank or the equivalent, whatever their role or speciality – administration, science, economics, statistics, law or other profession. There were 695 of them – 32 of whom were women – on 1 January 1983, according to the centrally held records.

This is not to say that Ministers do not encounter less senior people in the normal flow of work. On the contrary, wise ones frequently meet junior people, who are likely also to be younger people, as the experts in particular fields – and quite right too, and to be encouraged more and more if only to ensure that Ministers are not asked to accept the insights of one age group only. Life is different, and seen differently, at different ages; and advice to Ministers must not have blind spots.

But let us see how far geography as well as work brings Ministers into touch with their civil servants. How are the members of the Open Structure spread through the country? The answer, as at 1 January 1983, was as follows:

Table A

Civil servants in the Open Structure
Geographical distribution as at 1 January 1983
(numbers of women shown in brackets)

Whitehall	Rest of City of Westminster, City of London, Lambeth and Southwark	Rest of Inner London	Elsewhere	Total
136 (6)	366 (21)	38 (1)	155 (4)	695 (32)

Source: Central records

The Minister may feel that even the Open Structure is spreading out of his physical reach, though he can cheer himself with the recollection that the government to which he belongs includes perhaps 100 colleagues distributed among the departments. But how far does this improve his prospect of getting to know civil servants below the Open Structure, taking account again of the geography? This is the picture for Inner London:

Table B

Non-industrial Home Civil Service in Inner London
as at 1 January 1983
(numbers of women shown in brackets) full-time equivalents[1]

	Whitehall	Rest of City of Westminster, City of London, Lambeth and Southwark	Rest of Inner London
Administration Group, Executive Directing Grades, Social Security departmental class and Tax Officers	4,116 (1,578)	28,030 (10,922)	12,826 (6,005)
Specialist support or function[2]	649 (92)	5,478 (801)	1,952 (178)
Secretarial support	903 (892)	3,709 (3,669)	1,130 (1,111)
Others[3]	1,767 (653)	9,228 (3,330)	6,571 (1,978)
Total	7,435 (3,215)	46,445 (18,722)	22,479 (9,272)

Source: Mandate

Notes
1. Counting part-time staff as half units.
2. Including scientists, economists, statisticians, lawyers, other professional and technical officers, information officers, librarians and data processors.
3. Including security officers, police and training instructors.

This is a picture of Whitehall Departments frequently spread among several other buildings within reach of Whitehall, providing substantial specialist support (in which women are remarkably scarce). Naturally those who have less to do with the daily business of Ministers in Westminster and Whitehall will be the ones to be placed further away, and this process is already displayed in the distribution between Whitehall and the London Boroughs in its immediate vicinity. There is also the usual network of local offices. The departmental Minister who wants to make personal contact with his staff is already working at a distance and against the grain of the work, the geography and the travelling time.

But now let us look further afield and see how his difficulties in this respect are magnified. We can extend the picture to comprehend the rest of London and the rest of the country. It is a very different picture:

Table C

Non-industrial Home Civil Service
Geographical distribution as at 1 January 1983
(numbers of women shown in brackets) full-time equivalents[1]

	Inner London	Outer London	Elsewhere	Total
Open Structure	540 (28)	17 (1)	138 (3)	695 (32)
Below Open Structure:				
Administration Group[2]	40,760 (16,353)	18,490 (11,088)	171,246 (103,763)	230,496 (131,204)
Social Security departmental class	2,787 (1,549)	5,056 (3,386)	40,233 (27,582)	48,076 (32,517)
Tax Officer class	1,425 (603)	1,751 (959)	22,348 (13,274)	25,524 (14,836)
Specialist support or function[3]	8,079 (1,071)	7,186 (805)	47,878 (8,089)	63,143 (9,965)
Secretarial support	5,742 (5,672)	2,116 (2,104)	18,167 (18,071)	26,025 (25,847)
Others[4]	17,026 (5,933)	9,742 (2,705)	93,334 (18,889)	120,102 (27,527)
Total	76,359 (31,209)	44,358 (21,048)	393,344 (189,671)	514,061 (241,928)

Source: Mandate (provisional)

Notes
1. Counting part-time staff as half units.
2. Clerical Assistant up to and including Assistant Secretary, and Executive Directing grades.
3. Including scientists, economists, statisticians, lawyers, other professional and technical officers, information officers, librarians and data processors.
4. Including security officers, police and training instructors.

When we were looking at Inner London we were looking at an Open Structure amounting to 0.7 per cent of the number of non-industrial civil servants operating in Inner London. Specialist support and specialist functions amounted to around 11 per cent of that number of civil servants, and to 15 times the number of people in the Open Structure. That was the picture reasonably near at hand to the incoming Minister.

But many of the people in the Open Structure and in the specialist support would be concerned with the business of colleagues outside Inner London, perhaps far outside. Now that we can see in Table C the pattern for the whole country, the Open Structure amounts to only 0.13 per cent of the non-industrial Home Civil Service; and the specialist support and

functions to 12.3 per cent of that Service. The largest single number in the table is the number of women in the Administration Group. We can add another figure derived from Mandate: for every four members of the Administration Group from EO and AT to Assistant Secretary, inclusive, there are more than three civil servants engaged in specialist support or specialist functions.

We can also see from the broader picture in Table C the sad, and bad, feature that women are a tiny minority in the Open Structure. But we can also see that the Administration Group and the Social Security and Tax Officer departmental classes together form the bulk of the Civil Service and contain half as many women again as men – almost exactly reversing the proportions as they appeared in Inner London.

So when the Minister looks out from London he looks to a very different Service from the one around him in London; and it is not the part in London which should determine how he seeks to manage these people. He must look to the whole, considering what may tend to pre-occupy their minds: for example, among those who live in quite small communities, or those who provide specialist support from a base of professional or technical qualification.

Can we see in the figures important characteristics which should colour his view of the way or ways in which all these people should be managed in the performance of their roles? Are they, for example, predominantly people who have been growing old in the Service? The following table will provide some clues:

Table D

Non-industrial Home Civil Service
Administration Group, Social Security and Tax Officer departmental classes by sex and age as at 1 January 1983

	Men		Women	
	numbers*	per cent	numbers*	per cent
Age: Under 20	6,873	5.5	16,292	9.1
0–24	20,623	16.4	42,523	23.9
25–29	20,076	16.0	26,420	14.8
30–34	18,167	14.5	15,030	8.4
35–39	14,497	11.6	13,235	7.4
40–44	8,823	7.0	12,138	6.8
45–49	7,519	6.0	11,953	6.7
50–54	9,170	7.3	15,714	8.8
55–59	12,318	9.8	18,231	10.2
60 and over	7,403	5.9	7,020	3.9
Total	125,469	100.0	178,556	100.0

Source: Mandate (provisional)

Note
*Counting part-time staff as half units.

What this shows is, first, the numbers substantially concentrated in the younger age groups; the women in larger numbers at the youngest ages and leaving in large numbers within a few years as family life takes shape; and secondly, at later ages, two influences at work – one being net recruitment later in life, again more marked among women than men, as family life changes again; and the other, and main one, being the large numbers who were brought into the Civil Service between the war and 1950.

The first of these two points is not to be taken lightly as evidence of young people being attracted to the Civil Service. There is in the following table a suggestion that they are too often repelled by it.

Table E

Non-industrial Home Civil Service
Leavers during 1982 from the Administration Group, Social Security and Tax officer classes, distinguishing voluntary retirements under age 30 and retirements on grounds of age.

	Voluntary resignations under age 30			Retirements at or over retirement age		
	Men	Women	Total	Men	Women	Total
Administration Group	2,411	6,376	8,787	3,664	3,206	6,870
Social Security class	432	1,783	2,215	201	400	601
Tax Officer class	159	597	756	247	147	394
Total	3,002	8,756	11,758	4,112	3,753	7,865

Source: Mandate (provisional)

After allowing for women retiring on marriage, the rate at which the young people were leaving the Civil Service voluntarily, in spite of the high level of unemployment at the time, looks high in comparison with those leaving on pension. But perhaps there is comfort in the relatively small proportions which the departures represent of the total numbers in service in this group (see Table C). The important point, however, is the direction in which the proportion may change, or be changed, significantly over time.

I hope that this sketch in figures is good enough to portray the scene as a new Minister with some special responsibility for the Civil Service will see it; and as civil servants will see him or her. How are these large numbers of men, and larger numbers of women, mostly far from the metropolis and of no high rank, going to see the hand of a Minister (or Permanent Secretary) in the way that they are managed as people? But since large numbers mean little, perhaps we had better express the remoteness in terms of time.

Let us assume that the Minister could find in one day a week all the time

needed for Cabinet and Cabinet Committees on matters for which other colleagues were responsible; all the time needed for attending Parliament; all the time needed for constituency interests; and all outside engagements; and then could spend on his responsibilities for the Civil Service the whole of his time for a 16-hour day, 6 days a week for 48 weeks in a year; and had 4 years in his ministerial post: he would then have on average about 1 minute 45 seconds to spend once for all on all the aspects of all the work, all the conditions of work, and all the implications of personality, of each civil servant. From these moments, moreover, he would have to find the time for proper consultation through the Whitley machinery.

The arithmetic is not going to look much better if we shift our attention to a departmental Minister. He will have only his own departmental staff to consider; and his ability to do that will vary with the time required for his departmental business, for which the arithmetic has made no allowance (since it related to a Minister whose departmental business was the Civil Service). But it is not going to be a light task, for example, for the Secretary of State for Defence, or for Health and Social Security, to combine conducting the business of his department with managing his people.

The arithmetic is absurd, of course. But what it actually means is that whatever a Minister knows of his people he can only know largely through others: that much of the direction or influence that he exerts can only be exerted through others; and that most of what he knows even in this way will be about people grouped impersonally and not about people themselves.

It is tempting to say that the solution must lie in delegation. But delegation means disengagement unless the delegate is accountable. How is anyone accountable for the way in which he manages, or has managed, people? It is one thing to manage inanimate resources and show results while they show no reaction. It is another thing to manage people who themselves cannot but react to the way in which they are managed.

Managers have long since been involved in the Civil Service in the processes of annual reporting on their staff; of conducting Job Appraisal Reviews: of facilitating or providing training; and of involving Welfare Officers when they seem to be needed. But in what way are they realistically regarded as accountable to the Minister in charge of the Civil Service, or to their own Minister, for the consequences of the judgements which they make and express in these ways about their staff? Recourse to delegation as the solution to the Minister's problem is in this matter recourse to a shelter without a roof. So we have to find another way.

The only way that I can suggest is that civil servants should be managed by leading them. Leadership can be delegated provided that the delegator and the delegate share the same objective – whole-heartedly wanting things to happen for the same reasons with the same results. But

leadership cannot be expected to work to produce a satisfactory Civil Service if it is directed to an objective which does not make sustained and consistent demands which the whole community can applaud – if, for example, it is only the temporary result of someone's personality. For the Civil Service it has to be engendered within the permanent circumstances of being a civil servant.

'The job' is myriads of jobs: Some at Ministers' elbows; others in cars with learner-drivers testing whether they are qualified for drivers' licences; others in offices which the most unfortunate people in the land must frequent for the support that the social security system provides; others involved in ensuring that the Bench is manned; others collecting tax; others striking contracts for the purchase of complex weapons; others supervising what, and who, enters and leaves the country; others concerned with the implications of the Common Agricultural Policy of our European Community; others trying to devise for public monopolies something equivalent to market forces as the generator of efficient service; others discharging the duties of warders in prisons; others pursuing research which no one else is in a position to pursue; and so on.

Ministers have rightly involved themselves in the question 'should it all happen?' Asked and answered constructively, this question falls naturally into the scheme of interrogation which I sketched at the beginning of this article in the hope of bringing 'management' to life. The answers to 'should it happen?' are, in one light, policy; in their effect upon the minds of the people serving in the Minister's department, they can also be the expression of leadership, given certain conditions.

One of these is that Ministers realise how much the resulting job is seen by the person doing it as his (or hers) as well as the Minister's. If it is not done well, while there may be penalties for the Minister (which heaven forbid), the civil servant may find himself under personal investigation by the Parliamentary Commissioner. If a shortcoming is found, it will be by reference to the standards which the public are regarded as entitled to expect, and which the Minister would doubtless endorse but could not claim to have invented.

Moreover, it makes a big difference how far Ministers can sympathise with the natural way in which a civil servant will see himself as going to work. Anyone in a Minister's private office will see himself as going to work for the Minister. But the driving test examiner goes to work, not 'for the Minister' nor for the candidate, but for the people who should be assured by his efforts that the candidate will be allowed a driving licence only if he has proved himself competent to drive.

Indeed, if we glance back at my illustrative list of the myriads of civil service jobs many of them must strike the people who do them as jobs done as service to the people at large.

Coming by this route it seems such an obvious point of leadership that the role of the civil servant should be seen, and be shown to civil servants as having been seen, as serving the people. Here is something engendered from the permanent circumstances of the job of being a civil servant.

Yet it has rarely been said in modern days. Let us read it in the tell-tale words of Ann Frye, a young Principal writing in this journal last year:

> 'Throughout this International Year [of Disabled People] our efforts have been greeted with enthusiasm but also with surprise and, initially at least, with a cautious scepticism that a government department should be taking such a direct role in promoting the interests of disabled people. Such a direct and personal response does not seem to be typical of the way in which the government machine operates. But perhaps we ought, all of us in government, to be basing our attitudes and responses – in whatever policy area – on a very simple thought, which underlies what the Transport Department is trying to do for disabled people, and that is that the public service should be about serving people.'*

The need to have said this in 1982 is the clearer against the background of the firm, brave but sad – sad because it was sadly necessary – counter-attack which Lord (then Sir Ian) Bancroft made in 1981 against 'unwarranted and biting criticism [of the Civil Service] from the public and the press':

> '... public services commensurate with the minimum that the country can afford are, by definition, performing essential functions no less than the productive part of the private sector. They need to be as efficient as they can be. And that will not be achieved by regarding the term "public service" as a dirty phrase ...'**

A great deal seems to me to move into place when the central point is taken that the civil servant is there to serve the people. What service he is to give depends upon the whole body of law inherited from the past and upon the powers and directions of Ministers of the Crown, moving if they wish by due process to secure whatever development of this inheritance they decide to seek. But how he gives his service is a matter of ethos. He must expect to do all that he can as well as he can; and if he loses interest in trying to do better it is time for him to go.

Moreover, this is not just about how he performs the processes of his work – about technique. It is also about how he sees the interests of the people, whom he serves as their fellow citizen. He must try to judge those

*'The International Year of Disabled People: a New Perspective for One Government Department' by A Frye, in *Management in Government*, February 1982, pp 18–23.
**'The Civil Service in the 1980s' by Sir I Bancroft, in *Management Services in Government*, May 1981, pp 65–76.

interests conscientiously as if they were his in their circumstances; and he must therefore also try to acquire the fullest understanding available to him of the condition of the people, and how it would be affected by this action, that action or no action. This is as important in the remote local office as it is in a Whitehall office.

Am I suggesting that the Civil Service should become a rival source of understanding to that brought to government by Ministers and by Parliament? I do not see how contributions to understanding can be anything but complementary in the judgement of anyone who seeks the fullest understanding. But in any event understanding is not useful in government for its own sake but as the basis for decision on whether, and, if so, what, action is needed. Nothing can take from Ministers their function under our constitution to take these decisions. But, given the simple, essential but sufficient condition of trust founded on honesty between Ministers and civil servants, Ministers can expect civil servants to supply useful understanding in the public interest; and, since it is not actually practicable for Ministers to direct everything, it is right for civil servants to act accountably on that understanding when there is no occasion for ministerial direction.

If we now look back at the task of managing the people in the Civil Service, the first requirement, I suggest, is to establish this ethos of responsible service afresh, permanently and in pride of place. This cannot be done if either Ministers or top civil servants hang back. But by sharing this responsibility Ministers fulfil a role which is both essential and practicable for them, notwithstanding the great distance in organisation, and sometimes in geography, between them and some of those who work in their departments.

It is practicable, too, for Permanent Secretaries, in spite of the intensified dilemma to which we saw Sir Patrick Nairne drawing attention in the passages quoted earlier in this article. Indeed, what it amounts to is a positive answer to that initial question 'what are we going to try to achieve?' In that straightforward way it can and should infuse the whole of the operation of a department with a necessary and appropriate sense of direction.

In 1964–66 I was the Assistant Secretary in charge of a division of the Treasury charged with questions of machinery of government and with seeking 'best practice'. One search for best practice led us to ask leading firms in industry and commerce for advice on personnel management, and the unvarying theme of the replies was that no personnel manager could usefully try to deal with more than two or three hundred staff; otherwise he just would not know what he was doing. It has been a puzzle how to reconcile this advice with the remoteness of both Ministers and top officials, even the Establishment Officer, from the people working in a large

department. It would remain unsolved if personnel management in a department was seen as the instrument for imposing systems of recruitment, posting, training and even promotion as processes designed for the convenience of putting staff to work. It is solved if it is made clear to the staff from the top what is expected from them in line with their role as servants of the people, and if personnel management is the instrument – in the hands of colleagues each in touch with manageable numbers of staff – by which they are helped to fulfil their role.

It is again re-assuring to see this thought expressed in a recent review by the Management and Personnel Office entitled *Civil Service Management Development in the 1980s.** This states the aims of management development in the Civil Service as:

'a. to develop, consolidate and use effectively skills and experience in the performance of current business;
b. at the same time, with an eye to the future, to identify talent and build upon it, by providing opportunities to gain appropriate experience and training through formal and other schemes; and
c. to help individuals to assess and develop their own talents and potential, encouraging them to participate in their own career development.'

If people are to be helped to do a better job, the helper has first to understand what the job is. He then has to realise what it could be. The interactions with the role of those who found the job to be necessary in the first place are obvious. Neither can work in isolation from the other; they have to be involved together in the process of operating the department.

A good example of what can then happen is to be found in the Driver and Vehicle Licensing Centre. For many years that Centre was a butt of public criticism. The underlying causes were the poor quality of its inherited records and the inflexibility of its early computer. But the criticism fell on the staff, clocking in from the houses of Swansea. By patient discovery and correction of the errors in the records, the operational managers have improved the lot of their staff by reducing the criticism. With their colleagues charged with personnel management in the Department of Transport and in the then Civil Service Department, they have raised the standard of performance still further by finding ways to arrange the processes of the work so that they are more satisfying to the staff. For the staff there is a better job done better; and the public are better served.

Increasing the satisfaction of the job, job appraisal, training and career planning, including gaining experience outside the Civil Service, or recruiting mature experience or skill may be described as good policy because the results are expected to be good for the performance of the

**Civil Service Management Development in the 1980s.* MPO, 1983, para 3.1.

work. As the Government said in its reply to the Third Report of the Treasury and Civil Service Committee, 'The Government has since 1979 regarded good management throughout the whole of the Civil Service as an aim to be pursued as a matter of policy in its own right.'* But to attend to the processes of management and then impose them, whether from afar or near at hand, would be to start at the wrong point and to risk forgoing the advantage of right motivation. Civil servants should desire to manage well because they desire to serve well, and the first task of management in the Civil Service is, to my mind, to recognise, honour and foster the individual's desire to serve, as the ethos of the Service.

What matters to the staff is whether their personal interest is individually engaged in the processes of management as ways of helping them to serve better. If, for example, special training is offered, there should be some opportunity for staff to volunteer to receive it. The recent report on the Review of Personnel Work takes this idea, rightly I think, even in relation to promotion, recommending that departments should examine the case for self-nomination for consideration for promotion as a means of extending the opportunities for individuals to influence their own careers.** I think the idea is right because the processes of personnel management will be deficient unless they are infused not only with understanding of the work but also with care for the people doing it.

This brings me to two concluding points. First, staff know when they are not cared for. The only way to make them feel cared for is for someone actually to care. Second, the public know when they are not cared for. The only way to make them feel that the Civil Service cares for them is for civil servants actually to care for them. For civil servants, wherever they are, who already do this, nothing could be better than that they should be seen to be right.

After nearly 20 years of injunctions to think about itself, its organisation and its processes, I hope that the Civil Service need no longer be so distracted from thinking about the people it should serve. Mutual respect between public and public servant, created by the latter's service, would be worth a kennel of watch-dogs – and quite a lot of public money.

*_Efficiency and Effectiveness in the Civil Service:_ Government Observations on the Third Report from the Treasury and Civil Service Committee, Session 1981–82, HC 236, Cmnd 8616, HMSO, 1982, para 5.

**_Review of Personnel Work in the Civil Service,_ op. cit., para 7.15.

Using Management Consultants in Government

S R Taylor

Stephen Taylor is general manager of the Public Services Division of Hay Management Consultants and a member of the Management Consultants' Association's Public Sector Working Party. He has experience of six central government assignments. This article represents his personal views.

Robert Townsend, who restored Avis to fame and fortune, described management consultants as 'people who borrow your watch to tell you what time it is and then walk off with it'. Peter Drucker, perhaps the world's best known management guru says that the management consultant 'brings to the practice of management what being professional requires: detachment. He makes it possible to have a professional diagnostician in management, a professional therapist and a true scholar'. Clearly there is room for more than one view about management consulting. In government there have been by any criteria both spectacularly good and spectacularly bad consulting assignments. As a deliverer of consulting and as a former civil servant who has been on the receiving end, I believe that there is great scope for the use of consultants as a bridge between the practice of management in government and the practice of management outside; and that the chances of success can be greatly improved with a little care by both parties.

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Management consultants in the dictionary sense of the term are persons from whom managers of organisations seek information, advice and counsel. Strategies, policies and situations require management as well as people, budgets and projects. Managers carry out some functions which are common to all management activities (such as assessing alternatives, implementing a plan, monitoring results) and others of a specialist kind. Consultants may be asked to assist in both.

What counts as 'consulting' is not sufficiently defined to quantify a trend in its use, either in terms of expenditure or number of assignments. The last government list, for 1981, showed 32 assignments in that year (excluding computer consultancy and consulting staff augmenting departmental teams). Assignments ran at a rather higher level – about 45 a year – before 1981. Tim Eggar MP compiled a list of 73 assignments in 13 departments carried out by the accounting based consultancies during 1979 – 82. While financial control and the search for efficiency figure heavily in these lists, they display a huge variety. There are studies of highway maintenance, policy towards the mentally handicapped, introduction of quality circles, and much else, including even development of the National Collection of Fungi. But neither list would include, for example, consultant participation in the Financial Management Initiative or advice to the Megaw Committee, both of which civil servants would regard as fundamental. Under the 1979 – 83 Government there was more consulting than before in relation to the government machine itself, and more on relationships between government and the rest of the public sector, but less on relationships between government and industry and the rest of the private sector.

The *Code of Practice for the Use of Management Consultants by Government Departments* (fourth edition)* provides an excellent starting place for looking at this subject. It tallies very well with the Management Consultants' Association's Code of Professional Practice and with the advice which they and the Institute of Management Consultants would give on the selection and use of consultants. This may be surprising at first, until one realises that a firm professional basis for an assignment is in the interest of both parties. But the government code gives an impression of more logic, order and rationality in the commissioning and conduct of work than can ever in reality be the case. So I wish here to put a little flesh on its bones, and to try to take head on some of the harder issues.

The use of consultants falls conveniently under four headings: the decision to employ; selection and engagement; the consulting relationship; and completion and implementation. They are considered in turn overleaf.

**Code of Practice for the Use of Management Consultants by Government Departments*, 4th ed, HMSO, 1982.

The decision to employ

'I am paid to manage this organisation: why should I hire consultants to do my job for me?' This view is still found, both in government and elsewhere. Many consultants answer by pointing to their client lists, which generally show that it is the leading, successful organisations in any part of the economy who choose to employ them. The argument is that strong management has the confidence to recognise when external advice may be helpful and does not fear 'exposure' by external intervention. This is not to argue, of course, that all organisations should be using consultants all the time. But a blanket policy of 'no consultants' simply closes off a major option available to managers in doing their jobs. Consultants are sometimes feared or painted as bogeymen. To the extent that consultants are agents of change and change is unwelcome, this is inevitable. But if I were an employee of an organisation which had decided to embark on major change which would directly affect its future and hence mine, I should be glad to know that my management had at least tested its plans in some way against an objective external view before proceeding.

A much more mature attitude has developed in both government and the profession in the last few years. Senior civil servants no longer take the view that the nature of government is unique to the extent that there is nothing to be learnt from the outside world. And management consultants no longer take the view that what is good enough for the private sector should be good enough for government and has merely to be bolted on. So there is scope for the intelligent transfer (in both directions) of managerial wisdom between government and the outside world. I believe that consultants have much to offer because they are agents, rather than just stimulants, of change: they get stuck in to the often difficult, complex and messy process of making change actually happen. And they can bring to that process new ideas, external experience, objectivity and enthusiasm, making them a real ally to civil service managers, many of whom carry awesome reponsibilities.

The greatest value of consultants is that they have actually lived through with other clients the problems a government manager may be facing, and therefore have useful ideas on how to tackle them – not in a 'textbook' but in a real-life way. Regularly re-inventing the wheel is an expensive way to proceed, particularly since the first few prototypes probably won't roll. On the other hand, the greatest risk is that the consultants will be tempted to solutions which they know have worked elsewhere and do not take sufficient account of the realities of government.

If consultants should be welcomed when appropriate by line managers, how should they be seen by management services functions in government departments? After all they are in a sense direct competitors, at least in some areas. In my experience many large organisations set up and use

their management services functions badly, under-utilising people with considerable skill and dedication until they become in fact unusable because they are not properly related to the line organisation. There is a great need for more *good* consulting, whether provided from internal or external resources, and most of the lessons about using external consultants apply equally to the management services directorate. Where it makes sense I should like to see internal consultants tendering for business alongside external ones. If the outcome can be some effective practical combination of both, for example in the form of joint review teams, so much the better.

It is important to think through at the outset what is wanted from the consultants. Their use generally falls within one of three situations: 'we must have someone who is expert in so-and-so to tackle this'; 'we are going round and round in circles here – it's time we got an outside view'; and 'we can't get the internal people we need to push this through in the time available – get in some more pairs of hands'. These will often be in combination. The last in isolation has some risks discussed later.

Selection and engagement

The government code provides good guidance on the approach to consulting firms. It recommends a short list of three firms as the norm, but instances occasions when an approach to a single firm is appropriate. Most departments keep a list of firms which may be invited to tender. The Management Consultants' Association provides a free advice service, confidential to the enquirer if need be, about member firms suitable for a particular assignment.

In consulting as elsewhere, asking the right question gets you half way to solving the problem. Assignments fail through both over-definition and under-definition. Over-definition means narrowing what is wanted from the consultants to the point where they have no room to exercise their professional muscles. For example, there was a public sector assignment in which the consultants were asked to do little more than calculate how much earth a team of labourers were removing from a ditch and report the figures weekly. That was not going to solve the problem, or use their skills. Under-definition means that client and consultant are not sufficiently clear what is wanted (a different matter from what is wanted being difficult to get). This may be because the client does not come fully clean about the reasons for commissioning the assignment. Good reasons for consulting are not always noble ones. If old so-and-so just won't be persuaded to move on a particular matter until he has cast-iron proof that he should, then the consultants should be told that rather than have the situation dressed up as something grander. What appear to be technical consulting problems at one level are often manifestations of people problems at a

higher level. What are thought to be structural problems often have to do more with management style, working processes, or clarity of roles. They can be solved by consulting involvement, but of a different kind. Unless the issue is clear, I would advise a paid diagnostic study (in addition to a short unpaid preliminary survey) to ensure that it is properly defined.

There is a difficult balance to be struck in exploratory talks about assignments. Consultants have to judge the point at which giving free advice begins to run against rather than in favour of their legitimate commercial interest. They want to undertake studies which can succeed and they have a good feel for what is 'do-able'. So they will want to be drawn in before plans are finalised. However, civil servants are used to the free interchange of ideas and experience, and may forget that consultants have to earn their living by charging a price for it. Consultants are not necessarily excited by the prestige and public relations value of central government assignments. In local government and the public corporations, rightly or wrongly, reference to central government work can be a disadvantage. Generally, consultancies regard government as they would any other potential client in agreeing an assignment.

In the process of selection government departments place too much weight on the individual consultant(s) offered to them and too little on the skills of the firm as a whole. Of course the individual is important, both for skill and fit, but what one should be seeking to buy is not him alone but the potential strength of the whole consultancy as channelled through him: a much more potent weapon. It is therefore necessary to enquire how the consultant proposes to draw on the resources of his company in doing the work. In particular, how will he bring to bear skills and knowledge relevant to the assignment which he does not have himself but which colleagues do; and how will his contribution be monitored and directed from within his firm?

Timing is important too. It is unusual for good people to be available full- or even part-time at short notice: they are too costly and valuable a resource to keep idle, and it is highly unlikely that their consultancy will be prepared to transfer them from existing client commitments.

Consultants' daily fee rates may seem enormous at first sight. But put this in perspective. In current civil service staff cost terms it costs £54,000 a year to provide an Assistant Secretary together with his personal secretary. At 180–200 effective working days a year (after subtracting weekends, holidays, leave, sickness, training, travel, internal administration and other non-output activities), that means getting on for £300 per day. A management consultancy's cost structure is broadly similar to that of a medical, legal or accounting practice with fees of the same order. Consultants have to allow for the development and testing of their consulting services, a high training overhead, unpaid preliminary surveys,

tenders and presentations (including unsuccessful ones), marketing, computer, internal research and information costs – as well as a profit for their firm. And there is no down time for consultants. When you are not using them they are not on your payroll. And when an assignment is complete, it is not your problem to post them elsewhere.

But there is a wider point. While it is conventional to buy consulting on the basis of consulting time, what the client wants is not hours spent but results achieved. Anyone operating professionally knows very well that there may be little relationship between these two. If you seek legal advice about a dispute with your neighbour you may learn everything you need to know in a short, free preliminary consultation, because all of your solicitor's experience is distilled into the advice he gives you. Most of us know the story of the doctor who, challenged on a £100 bill for removing an appendix, explained that it was '£1 for the removal and £99 for knowing how'. In an age of information, the concept of 'intellectual property' will become more important and will be priced in consulting work. I know of consultants whose ten minute intervention at the right time has saved literally tens of millions of client expenditure; and equally of assignments where it has become quite clear that consulting fees running into six figures will produce nothing whatever of value to the client.

Two lessons emerge from this. First, time input clearly has some relevance but the buyer should try to estimate the value to him of the results he wants from the consulting. Where there are different tenders, the buyer should take a view on the probability that the tenderers will achieve the results required, not just on their respective fees. This is a matter of judging the quality of the proposal, the calibre of the proposed consulting team and the reputation and track-record of the consultancy. Second, there is no point in hiring consultants unless you propose to do something as a result. This is particularly important in the public sector, where bringing in consultants is sometimes seen as a way of parking a problem elsewhere for a while. If diagnosis only, without prescription or implementation, is wanted, that should be made clear. Using consultants without a commitment to the assignment or without intention to implement any outcome is virtually a pre-guarantee of failure. No amount of technical skill or sheer labour on the consultants' part can substitute for commitment. Most consulting problems are less about intellectual analysis than about the will to act. This is why a good firm may turn down work for which they have the competence and resources. If this happens, ask yourself seriously whether you are ready to proceed.

Consultants have also to be on their guard against the potential client who whittles away and trims the assignment activity down to a level where they cannot maintain their professional standards. (Not the same as testing all parts of a project to see if they are really necessary.) This risks building

castles of conclusions on pin-heads of field work. The time the consultant will need to familiarise himself with the situation is often underrated. When an assignment fails, protestations that there were warnings at the start about under-resourcing will receive little sympathy from the client. And rightly so: it is the consultants' professional duty to prevent this. It is for him to convince the client that the work proposed is necessary. If you trust a consultants' professional skills, then trust him also to say how much work he must do in order to bring them adequately to bear. I for one will not be caught again by being asked for an off-the-cuff reaction ('don't bother with any research, don't trouble to sound out your colleagues') which then forms the cornerstone of a large edifice, is widely quoted, and carries brickbats if it turns out to be wide of the mark!

The consulting relationship

The less a consultant is being used as a plug-in technical expert and the more as an agent of change, the more critical the consulting relationship. Change is always uncertain and often painful, particularly for the interests within the organisation who benefit from or are comfortable with the *status quo*. So assignments which have a large organisation development element are the most challenging.

Government presents particular problems in this respect. First, there is the habit of communication in the Civil Service by written minute and by formal meeting rather than by corridor discussion and action note. Second, decision taking authority (sometimes rightly, sometimes wrongly) is often diffuse, so that a very large number of people have to be carried before action can be taken. Third, it is difficult to make Ministers a party to consulting assignments, but equally difficult to proceed as if they were not there. To put this another way, there is often not a clear answer to the question, 'Who is accountable for managing this bit of the Civil Service?' Fourth, the need to adapt at all levels the way the ongoing bulk of work is done, according to changing opportunities and priorities, is less established in the civil service psyche than it is elsewhere. The onus remains on the proponents of managerial change to prove that it is necessary rather than on the supporters of the *status quo* to demonstrate that it is still appropriate. The creation of administrative machinery to address issues, and their subsequent analysis, is not always distinguished from actually doing something about them. The pace of change in the Civil Service has increased, but it has increased faster elsewhere so that the gap is in fact growing rather than shrinking. And the Civil Service – admittedly unique – remains more insular than most large organisations.

Some examples will illustrate this. The trend of the last decade has been to decentralise in large organisations, by finding how to give sub-units the maximum flexibility and discretion consistent with essential central

controls. This has only just begun in the Civil Service. And while there has been much valuable thought there has so far been comparatively little action to introduce information technology into an organisation which above all else is a processor of information. The manager of a local taxation office can have right now a device which fits in his briefcase, stores and *prints out* on the spot all the detailed information he needs to do his job. Lastly, civil service patterns of employment, based on the concept of 'establishment', a predictable 40 year career for those who want it, and little intake above junior levels, are becoming increasingly out of date. The trend is towards more movement between employers during a career, retraining to catch up with new technology and shifts in the economy, and – nearer the top – fixed term contracts rather than permanent employment. All this relates to my own particular hobbyhorse, which is that the Civil Service squanders the vast talents and energies available to it while the better parts of the private sector are finding ways to release individuals to deliver what they are capable of.

The trick in an assignment directed at real change is to mesh the consulting input with the realities of the situation. It is very easy to produce a splendid report, well drafted and properly structured with smart covers and lots of recommendations, which is quite useless because unimplementable. (Formal review and inquiry bodies present particular problems in this respect, because they tend to treat their consultants in the same way as those giving evidence to them and so fail to establish a dialogue.) One approach designed to avoid this is in common use in government consulting and can prove highly effective. The consultant becomes a member of a joint civil service/consultant team which is collectively accountable for an assignment. This widens the appreciation of the civil servants about what might be done, and ensures that the consultant confronts the constraints and practicalities. There is then a fair chance of finding some firm ground between what the consultant would like to see done but is in fact untenable, and what the civil servants would like to see done but is in fact inadequate or inappropriate. It also provides for a two-way transfer of knowledge between consultants and civil servants which will help both subsequently.

This approach, however, has real risks for the consultant. The first is that he is captured by the problems that the civil servants show him, loses too much of his detachment and objectivity, and is defeated by the 'paralysis of analysis'. Quite often the constraints within which a solution is demanded are such that no solution is possible. The consultant can see this more clearly and it is his job to say it. For example, major attitudinal change cannot be brought about quickly and requires some inducement for the people affected, but time and carrot are seldom allowed for. In this style of working the consultant also risks being used as a jack of all trades. The

Civil Service still undervalues professional ability and experience, believing that a good man operating on the principle of successive drafts can handle anything. The danger is that the consultant loses his credibility, because he does not always draw on his professional skills or experience in his contributions, and the distinction between his informed professional advice and his intelligent layman's opinion is lost. The further danger of this arrangement is that it leads to long full-time secondments, so the consultant may lose touch with his professional base and dry up as a provider of something fresh.

These are problems for the consultant to wrestle with, but there are several steps the client can take to get best value. First, he should ask the consultant for his first impressions soon after an exercise has begun. (A good consultant will be recording these for his own use anyway.) These are often the most valuable contribution of all. Second, the consultant should be invited to present his position on the assignment to the rest of the team at appropriate stages during its progress. Third, the consultant should be asked regularly in the right forum whether he thinks the assignment is going in the right way, what changes he would make if he was directing it, whether he is comfortable with the consulting relationship, and what he really thinks about the way this bit of government does things. This may be uncomfortable, but no real consulting relationship is all sweetness and light (if it is, is anything really happening?) and the professional consultant needs to be tough enough to tell clients things they would rather not hear.

The most common failing in government assignments is to under-resource the effort required to bring about change, particularly if that involves change in values rather than change in skills or systems. Nothing happens unless a certain critical mass is reached. Consultants are generally adept at recognising what scale and depth of intervention is needed.

It is well to remember that consultants are human and that since they often work alone they get little direct feedback from their own colleagues about their work. Simply to tell them that their work is noticed and appreciated can have a motivational affect worth a good deal of consulting time.

Completion and implementation

The client and the consultant need to be agreed on when the work stops; and the client, with consultant advice where appropriate, needs to have a plan for what he is going to do with the results. The proposal should have made clear when the assignment will be finished. This is usually on submission of a written report of some kind or at the end of a fixed period of time. There may be other *ad hoc* activities subsequently, to be carried out by further agreement. The ideal outcome is a short report which virtually

writes itself, represents the collaborative views of all those directly involved, will come as no surprise to those whose participation is required for implementation, and lends itself to action. The American Association of Consulting Management Engineers define this process as moving from 'initial dependence on the consultant through mutual responsibility of both client and consultant to the client's decision to take appropriate action on the recommendations'. A successful consulting assignment is one which is implemented, not one which produces a report on time.

Senior civil servants should ask for a plan from their own staff about how they will act on a report before it is submitted. And a month or so after it has appeared, they should ask what has been done to implement it.

Some rules for using consultants in government will serve as my summary:

- Ensure internally that the right people are committed to a consulting project before it begins.
- Buy results, not time; and buy the consulting firm as well as the individual consultant.
- Ask the consultant to help define the problem.
- Work with the consultant so that you learn together.
- Ensure the consultant is able to exercise his skills.
- Expect disharmony: nothing is happening otherwise.
- Measure success by implementation.

Administrative Law and the Administrator

Sir Michael Kerry KCB

Sir Michael Kerry is a barrister and has been Treasury Solicitor and Head of the Career Legal Civil Service since 1980. He joined the Board of Trade as a Legal Assistant in 1951 and was with the Board of Trade from 1951–72. He was Principal Assistant Solicitor, Departments of Trade and Industry in 1972 and Solicitor from 1973–80. This article is based on a talk which he gave to Administrators at Sunningdale in October 1982.

This article is not designed to be a disquisition on administrative law or to advocate an increase in the numbers of lawyers in the Civil Service. My purpose is to open a discussion as to whether the training and general awareness among administrators of the impact of law on administrative processes is as good as it might be and whether it could, without too much use of resources, be improved with a real benefit to the quality of decision-making.

Administrators and politicians have been very suspicious of legal interference in the decision-making processes. The objection was summed up by Mr Maudling in talking about administrative law in Parliament in 1971, 'I have never seen the sense of administrative law in our country, because it is only someone else taking the Government's decision for them'. I should add that this remark is taken out of context but it illustrates my point. The remark shows a complete misunderstanding of what administrative law is about. The law sets the parameters within which a decision may be taken, it does not take the decision. Many considerations, including in particular political ones, may affect decision-

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making, but however pressing these may be, legal limitations will remain. At times they may not in practice affect the options under consideration, at others they may seriously restrict them but they will always be there.

My theme is that all those in the Service who advise Ministers on the taking of decisions or take decisions themselves are working within a legal framework and should have a reasonable acquaintance with and understanding of the general legal principles which govern their work. These principles are hardly obscure or arbitrary and there should be no real difficulty in ensuring that this is the case.

Scope of 'Administrative Law'

This is a phrase which is often argued to be beyond definition. For the present purpose, I intend it to cover the legal rules which limit the scope of decision-making, not as former Lord Chief Justice Lord Hewart described it in 1929 in his book, *The New Despotism,** a separate system of *droit administratif* conferring privileges on the executive and subject, as in France, to special tribunals. These legal rules can apply both to decisions under the prerogative and to those taken under a statute. Where the decision is statutory, the considerations I am talking about are the general principles which are relevant other than the words of the particular statute itself. The scope of administrative law extends for this purpose to the legal relationship between the Crown, Ministers, civil servants, Parliament, and the public, and includes the law applicable to public expenditure and its relationship to practice and constitutional convention. The corpus of law relating to court procedure in this field and the applicable rules of evidence is also relevant.

The rules in question can apply to an enormous range of circumstances covering most of the work done by the Service – from cases in which a Minister is acting in a quasi-judicial capacity under a procedure prescribed by statute, for example in appeals from licensing decisions of the Civil Aviation Authority to the appropriate Secretary of State under the Civil Aviation Act 1971, and the consideration of planning appeals by the Secretary of State for the Environment, to those in which the Minister is exercising what would normally be regarded as purely administrative functions, for example the making of a discretionary grant under a statute such as the Industry Act 1972, or even the authorising of expenditure for a purpose not specifically authorised by statute.

Level of appreciation of administrators of constraints of administrative law

Of course, there are many administrators who have a sound knowledge of, and interest in, the law as it affects their work. But this is, I think, far from

**The New Despotism* by Baron G Hewart, Ernest Benn, 1929.

universal. New cases are continuously coming to the attention of myself and my colleagues in which senior administrators show a surprising ignorance of elementary legal principles. Furthermore, a number of recent cases in the public eye have shown a lack of appreciation of the impact of legal considerations on administrative problems involving either considerable financial loss or embarrassment to Ministers. For the present purposes, I would mention only two to illustrate my argument. The Crown Agents affair involved a number of departments and quite a few senior, even eminent, administrators. Normally the Crown Agents acted as agents for overseas administrations in the procurement of goods and the investment of funds. In the 1960s they started a number of activities of a banking and financial nature in which they purported to act as principal. These activities which developed considerably in the early 1970s were known as the 'own account' activities and took on many of the characteristics of a secondary bank. Although some advice was taken, which pointed to ultimate Crown liability for the own account activities, the implications of this do not seem to have been properly considered or appreciated. If the relationship of the Crown Agents to the Crown and the potential liability of the Crown had been fully analysed when these activities commenced in the 1960s, it would have become clear that the Crown Agents were to be regarded as office holders under the Crown acting on behalf of the Crown (see section 28 of the Crown Agents Act 1979). The propriety and legal mechanics of somebody in this position indulging in property speculation and secondary banking in the UK, without proper ministerial and parliamentary control, would inevitably have been questioned. The law applicable when the Crown acquires land, borrows money and enters into financial obligations would have been seen to be relevant, and the implications of the Civil Lists Acts on miscellaneous revenues of the Crown and even the possible application of such antique statutes as the Crown Lands Act 1702 on land acquired by the Crown Agents might well have been taken into account. In fact, no thorough legal analysis was made until 1978 when this had to be undertaken prior to the introduction of legislation to regularise the whole position. I have laboured this case because it seems to be such a clear example in which difficult issues were treated pragmatically, and there was a failure to think through the legal basis of and to consider properly the powers and authority for activities in which large amounts of public assets and public credit were involved.

In Regina v Secretary of State for the Environment [1982] 2 WLR 693, the Secretary of State had, *bona fide,* and in accordance with usual practice in the Department, reached a decision, prior to the passage of the empowering legislation through Parliament, about the way in which a scheme to reduce the amount of grant to local authorities was to be operated. After this legislation had been passed, he was unwilling to

consider changes and, not unreasonably, it appeared in the light of the decisions already taken, would not agree to hear representations from the applicant boroughs as to their special circumstances. In doing so, he offended against one of the basic principles of fairness or natural justice as currently applied by the courts to administrative decisions, namely that general rules can be formulated and used, but that individuals affected should be allowed to show why the general rule should not be applied to them. A strong Divisional Court thus held that the particular decision was a nullity. The Department did not, I believe, take into account the possible legal implications of refusing to hear representations while the decision taking process was in train.

These are, of course, rather extreme cases in which ignorance of the existence of applicable legal considerations seems to have been a major factor in what happened. Nevertheless, the Crown has lost too many cases in the courts recently. I would be far from claiming that all are due to a lack of appreciation of legal points by administrators. Sometimes, ministerial determination to push through what the courts consider an unreasonable (in the legal sense) policy may be the cause. (See for example the Tameside case (Secretary of State for Education and Science v Tameside MBC [1977] AC 1014)).

Even when legal advice is taken it may not correctly interpret the reaction of the courts. Both the Legal Adviser's Department in the Home Office and the Solicitor's Department of the Department of Trade have underestimated the strength of feeling of the courts where an existing licence or right is removed even although *prima facie* there might be an apparently clear power to take this step. (See Congreve v Home Office [1976] 1 AER 697 (the television licensing case) and Laker Airways v Department of Trade [1977] 2 AER 182 (the Skytrain case)). It would be possible to give many more illustrations of how the courts now watch closely the process of administration, sometimes, many of us might feel all too closely. A rather extreme example is a case heard by Mr Justice Taylor in June 1982 which related to the procedure followed by the Department of the Environment in refusing to permit the playing of music at a CND rally in Hyde Park. The Department duly considered whether their general rule against music in the park should apply in the particular circumstances of the case. They decided to apply the general rule, but gave as their ground that to decide otherwise would create a bad precedent. The Judge was not adequately persuaded as to the full, and surely defensible, effect of this phrase and decided that the decision was taken on improper grounds. It is not easy to see how in this particular case the administrators were substantially at fault. Nevertheless, the possibility that Ministers may take the risk of ignoring legal limitations, that legal advice may be at fault, or that the courts may sometimes appear unreasonable, does not I would submit,

excuse the administrator from being aware of and taking into consideration the impact of law on what he is doing.

Historical background to attitudes towards administrative law

During the last thirty years there has been a very considerable change in the attitude of the public, of Parliament, and of the courts towards the processes of administration. Some of the attitudes of senior administrators reflect the position as it was in the 1940s and 50s. Two contrasting quotations illustrate very clearly the change which has taken place in the last 25 years. In a confidential report of 1956 on discipline in the Civil Service, one of the basic assumptions made was that, 'the exercise of disciplinary powers is a managerial or administrative function and not a legal one'. This assumption was used to avoid *inter alia* answering the difficult question whether 'Head of Department' in Estacode meant ministerial head or permanent head. On the other hand, in the Laker case in 1976 (supra) Lord Denning could say, 'Seeing that the prerogative is a discretionary power to be exercised for the public good, it follows that its exercise can be examined by the courts just as any other discretionary power which is vested in the executive'. These two statements are both in my view too extreme. The dichotomy between 'administrative' functions and 'legal' functions is one that would now be regarded as misconceived, particularly as the former was I think, taken to mean a function which was not subject to any legal limitations and for whose exercise the Minister concerned was solely responsible to Parliament. Whatever may have appeared to be the position in 1956 the relationship between the Crown and civil servants would now, in many if not all respects, be regarded as governed by law and capable of consideration by the courts, and in spite of Lord Denning, there are still quite a few kinds of exercise of administrative discretion which are not effectively subject to review by the courts, for example, promotions in the Armed Forces.

There never has been a time when the courts would not exercise some degree of supervision over a considerable part of the decision-making processes. However, during a period of 40 years, roughly from 1910 to 1950, the courts, influenced to some extent by the atmosphere of two wars, in a series of cases showed a reluctance to use any ingenuity to interfere with the decision-making processes of central government. Of course, the Crown Proceedings Act designed to facilitate the bringing of normal legal proceedings against the Crown was passed in 1947. Nevertheless, the general climate was such that in wide fields of administration, Ministers and administrators could be excused for regarding answerability to Parliament as the only effective limitation on the exercise by the executive of its powers and for largely disregarding in practice the possibility that the law and the courts might constitute an

effective constraint.

By the 1950s, however, after a number of years in which government had in peacetime impinged on the activities of ordinary citizens to an unprecedented extent, the general climate of opinion started to move strongly against a simple acceptance of decisions of the executive. This was reflected in two major legislative steps to bring the executive under a greater degree of control. The Tribunals and Inquiries Act 1958 followed the Franks Committee Report* with its emphasis on openness, fairness, and impartiality, and of course, the Parliamentary Commissioner Act 1967 set up the Parliamentary Commissioner for Administration (Ombudsman).

The same current of opinion was reflected among the judiciary. Lord Denning has recently pointed out how he led the way as early as 1949. Some of the most important decisions were, however, those of the Law Lords, normally regarded as being more conservative. It began to be felt that it was intolerable that wrongs should exist which it was outside the power of the courts to remedy. The decisions were often of a rather technical and sometimes procedural nature. They were bound to be since they were undoing what were coming to be regarded as misconceived technical limitations on the powers of the courts. One example is that as a matter of practice, actions for a declaration started to be used to circumvent the limits of the prerogative writ of *certiorari* (the procedure under which the courts could quash the decision of an inferior tribunal or authority). Such actions had always been available but curiously enough, little used from 1910 to 1950. The House of Lords in the important case of Ridge v Baldwin [1964] AC 40 (the Brighton Chief Constable case) in 1963 made it clear that the remedy of *certiorari* was available to people who were affected by administrative decisions which were not necessarily of a quasi-judicial nature and substantively that the rules of natural justice applied in relation to such decisions.

Another decision of the House of Lords, Conway v Rimmer [1968] AC 910, in 1967 overruled the 1942 case of Duncan v Cammell-Laird [1942] AC 624 and decided that a ministerial certificate, that the production of a document was contrary to the public interest, is not conclusive and can be examined by the court which is entitled to take the final decision as to production and has for this purpose to balance the public interest in production in the interests of justice, against the public interest in non-disclosure in the interests of administration.

The Privy Council in the Kodeeswaran case in 1970 [1970] AC 1111 made it clear that a civil servant could sue for his pay, thus effectively undermining the doctrine that all questions arising out of the relationship between a civil servant and the Crown were not subject to the jurisdiction of the courts.

**Administrative Tribunal and Enquiries.* Cmnd. 218, Chairman: Lord Franks, HMSO, 1957.

The well-known war-time decision of Liversidge v Anderson [1942] AC 206 came to be regarded as only applicable to the war-time regulation to which it related. In Liversidge v Anderson it was held that the phrase, 'The Secretary of State having reasonable cause to believe that a person was of hostile origin' was satisfied if the Secretary of State honestly believed it to be the case, which when taken with the decision in Duncan v Cammell-Laird, made challenge to a decision on wording of this sort virtually impossible.

These are only examples, but they do illustrate the point that by the 1970s the courts were showing an active willingness to consider the validity of administrative decisions and were pointing the way in which this could be done. In 1977, following Law Commission recommendations, the procedure known as 'application for judicial review' under a re-written Order 53 of the Rules of the Supreme Court was introduced. This provides a comprehensive remedy available to anyone who wishes to challenge an administrative act or omission. It adds flexibility to the procedure and in particular minimises the risks of starting with an application for inappropriate remedy, and thus wasting considerable costs. In a field in which the procedural problems had always, for the reasons given above, been of real importance, it has been generally regarded as being a successful innovation. Its introduction has certainly coincided with a great increase in the number of administrative law cases handled by my office. Those that may be classed as coming within or analogous to that description have increased from a handful a year in the 60s to 50–100 in the early 70s, to a rate of about 400 a year in the first six months of this year. Admittedly, most of these come under two main heads, applications to quash planning decisions (which have a special appeal procedure of their own) and immigration cases, but this is still a considerable volume of litigation to handle, and judicial decisions have to be watched to see if they affect wider spheres of administration. It should be noted that the leave of the court has to be obtained before the Order 53 procedure can be initiated. Thus there is a safeguard against frivolous applications, and an application has to be made within three months of the grounds of application first arising. It is also notable that the House of Lords has recently decided that where this remedy is available it should be used to the exclusion of other forms of remedy (see O'Reilly v Mackman [1982] 3 WLR 1096). This does mean that there is now a standard procedure, subject to a number of limitations which generally speaking protect the executive, which is regarded by the courts as the appropriate method of recourse to the courts in relation to administrative action. There will still be important issues to be decided in this field but something of a plateau has been reached following a period of judicial activism, and development of law.

The effect of all these developments, particularly when combined with the possibility of investigation under the PCA Act, is that those involved in advising on and the making of decisions ought to be aware that those processes can now be effectively examined by the courts for their lawfulness and by the PCA under the 1967 Act for defects of administration. Although of course there are, and will remain, exceptions in which neither process will be applicable, the training given to the administrator should surely be on the footing that his work will be open to this kind of scrutiny.

Difficulties of training in a short period

The substantive aspect of administrative law is admittedly difficult to handle and this is not merely for the purposes of a brief discussion. It must be remembered that it largely consists of a very few basic principles of varying formulation and varying applicability and of numerous cases decided on the provisions of individual statutes which may or may not have a wider relevance. It is not easy to categorise in a way which would be really useful to the administrator. Text book writers classify the subject according to their tastes. I do not, however, see that this consideration is one which should lead the young administrator who may be a science, history, or modern languages graduate, from being sheltered from the subject. There is a real problem of how it is to be effectively taught within the time limits that can realistically be given to it, but that cannot be insoluble.

I would mention a few of these principles to illustrate how general they are:

- The courts will look with suspicion at any rule or statutory provision which might oust their jurisdiction.
- In examining administrative procedures, the courts will have regard to principles of fairness and natural justice, and in particular, to the maxim *audi alteram partem.**
- The exercise of discretion should have regard to the purposes for which a power has been conferred and should be exercised *bona fide* for that purpose.

I have deliberately not quoted authorities for these. However, the only way in which they can really be brought to life is by showing the varied circumstances in which the courts have applied them.

*Hear the other side.

In the light of these very general principles, a number of more practical problems arise, for example:

(1) In what circumstances can a decision be taken without any fear that it may be referred to the courts?
(2) To what extent can rules be formulated for the exercise of a discretion and how far must an applicant be heard to argue that he is a special case?
(3) How far can political considerations properly be taken into account in the exercise of a particular discretion?
(4) When must reasons be given for a decision and what is the consequence of failure to give a reason?
(5) What is the effect of a provision along the lines of, the Minister may do X if 'it appears to him' that Y is the case?

I will take the fourth of these questions, that relating to the giving of reasons, to illustrate the kind of propositions that can be made:

First, there is no general principle which requires the giving of reasons for administrative decisions and the courts have upheld decisions taken where no grounds are given (see Norwest Holst v Secretary of State for Trade [1978] Ch 201).

Secondly, statutes may provide for the giving of reasons (see for example, Tribunals and Inquiry Act 1971 s. 12).

Thirdly, if reasons are given, they form part of the record and may provide a basis for the impugning of the decision.

Fourthly, in some circumstances, even where there is no requirement that reasons be given, a failure to give reasons may give rise to an inference that the decision was made on improper grounds. This was one of the bases of the well-known decision of the House of Lords in Padfield v Minister of Agriculture [1968] AC 997.

Of course, there are always dangers in oversimplification, but I do think that administrators should be aware of propositions of administrative law of this sort.

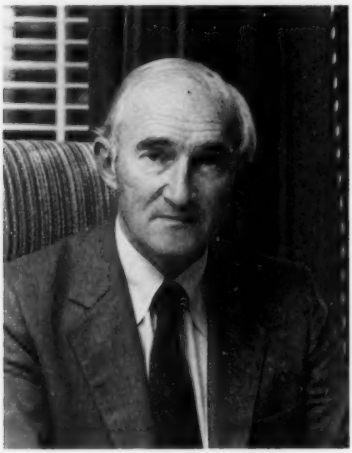
Conclusion

At present, in spite of the degree of training available, administrators can reach positions of responsibility without any clear general understanding of the extent or nature of the legal limitations imposed by the law on their activities. This cannot be right. Although I do suggest that greater understanding of administrative law is both highly desirable for administrators and achievable without an undue expenditure of time or resources, I am aware that this is all under consideration by those responsible for training and I would not wish to pre-empt their conclusions by making firm suggestions here.

Finally, the purpose of what is suggested in this article would not be to produce 'do-it-yourself' lawyers, but administrators with some real awareness of the legal parameters within which they are working. Much the same, of course, applies in relation to other disciplines such as accountancy, but none is of such ubiquitous and immediate application as the law. Even such questions as the stage at which it is appropriate to consult a lawyer would be (and are, we find in practice) answered much better by those with a reasonable idea of the subject matter. Similarly, they are much better placed to appreciate and apply the advice they are given.

The Accidents Investigation Branch of the Department of Transport

G C Wilkinson



Geoffrey Wilkinson served in the Royal Navy and the Royal Air Force as a fighter pilot and was awarded the Air Force Cross and the Air Medal (USA). He is a graduate of the Empire Test Pilots' School, has been a test pilot in the Experimental Flying Department of the Royal Aircraft Establishment at Farnborough and is now a Fellow of the Royal Aeronautical Society. He joined the Accidents Investigation Branch in 1965 and has been the Chief Inspector of Accidents since 1981.

Despite its title the Accidents Investigation Branch (AIB) is solely concerned with the investigation of aircraft accidents and incidents.

Organisation

The Branch is the longest established organisation in its field. It was founded in 1922 as part of the Air Ministry and has been continually involved in the investigation of aircraft accidents ever since. After World War II it was integrated into the new Ministry of Civil Aviation and since then has been lodged at various times within the Ministry of Transport and Civil Aviation, the Board of Trade, the Department of Trade and now the Department of Transport.

It is quite separate from the Civil Aviation Authority (CAA) This separation is vital to its credibility with the aviation industry, since it is unrealistic to expect individuals to criticise their colleagues and superiors within the same organisation.

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The Branch headquarters moved out of central London in June 1982 and is at present lodged in temporary accommodation near permanent office accommodation being built for it within the Royal Aircraft Establishment, Farnborough.

The Chief Inspector of Accidents reports directly to the Secretary of State for Transport, to whom accident reports are submitted, and has complete freedom to decide which accidents should be investigated and in what depth. He can neither be directed to investigate a particular accident nor instructed not to investigate. The only two interventions the Secretary of State can make are to order a public enquiry into an accident and not approve publication of an accident report. In practice public inquiries are very rare, the last one being in 1972, and reports have invariably been published.

Staffing

There are 42 people in the Accidents Investigation Branch of whom 28 are investigators, the balance being secretarial, clerical, computer and industrial staff. Inspectors of Accidents are basically chosen from two disciplines – pilots and aeronautical engineers. Operations Inspectors are required to hold or have recently held an Airline Transport Pilot's Licence, preferably endorsed for a modern jet transport. They should also have had a broad experience of aircraft operations and the ability to write clear concise reports. Commercial airlines and the armed services provided a reasonable reservoir of suitable candidates. Engineering Inspectors are required to have a good degree in Aeronautical Engineering and experience of aircraft manufacture, design or operations. The Branch endeavours to have Inspectors qualified on each major aircraft type on the British register. It is also Branch policy for Engineering Inspectors to obtain Private Pilot's Licences on light aircraft.

Responsibilities

The sole function of accident investigation is to improve aviation safety.

The Branch's mandate covers all civil aircraft accidents which occur in the United Kingdom, irrespective of the nationality of the aircraft, and all accidents to British registered aircraft and British manufactured aircraft worldwide. In addition, it investigates accidents in the United Kingdom where there is a civil/military involvement – for example a mid-air collision between a civil aircraft and a military aircraft. Technical support is also provided to Royal Air Force and Army Boards of Inquiry on request. (The Royal Navy cover all aspects of their investigations in house.)

When aircraft crashing in the territory of another state are registered or manufactured in the United Kingdom an individual is appointed by the Chief Inspector of Accidents as the United Kingdom Accredited

Representative who, by international agreement, has a right to participate fully in the investigation. The Accredited Representative can be accompanied by a number of advisers. They can be either other members of the Branch or personnel from the airline or the manufacturer et cetera.

The Chief Inspector of Accidents is also quite frequently asked to provide assistance for investigating domestic accidents in other states involving aircraft manufactured in the United Kingdom and from time to time for other accidents in states which do not have the expertise or personnel available to carry out a complicated investigation into an accident involving a large modern airliner. This is usually done on a repayment basis but the Chief Inspector of Accidents has wide powers of discretion.

Some 250 to 300 accidents involving death, serious injuries or major damage occur each year in the United Kingdom. These have to be reported by the pilot or the operator to the Accidents Investigation Branch where each report is evaluated; and a short factual account of each accident is published in the monthly *AIB Bulletin*. Some 50 of these accidents result in a team from the Branch being dispatched to carry out a Field Inquiry. Following such inquiries, in addition to the *Bulletin,* an internal report is produced which is not published but is kept on file as the data collected may be useful at a later date. The information collected is disseminated without delay to those who need to take action, such as the operator, manufacturer and the CAA. About 12 accidents per year result in a formal 'Inspector's Investigation' being ordered by the Chief Inspector, which leads to an official report being submitted to the Secretary of State and in due course published.

To give scale to the UK effort it should be kept in mind that in the USA there are roughly ten times as many accidents as in the UK with rather more than ten times the number of staff to investigate them. AIB participate in the investigation of some 20 military accidents each year.

Method of operating

The personnel of AIB operate a 24-hour standby service and are ready to depart at short notice for anywhere in the world. A senior Branch member is designated for each period of 24 hours as the Duty Co-ordinator.

When an accident is reported the Duty Co-ordinator is contacted and decides what level of response is appropriate to the accident. This could be anything between sending a Flight Safety Report form to the pilot for a comparatively minor accident and mobilising every available Inspector to cover the crash of a large airliner. For a Field Inquiry the basic team consists of one Operations Inspector (pilot) and one Engineering Inspector plus a flight recorder specialist in the case of an airliner. In a full-blown

investigation the investigative team is built up with individual groups being charged with the in-depth investigation into different aspects.

A typical investigation goes through an elaborate, expensive and time consuming process in an attempt to establish the cause or causes of an aircraft accident, and how a repetition can be prevented. To do this effectively it must establish what happened, and why it happened. It is not to apportion blame. To be effective the investigator must communicate his findings quickly, coherently and to the appropriate people.

A comparatively recent development in accident investigation techniques has been the introduction of flight data and cockpit voice recorders (FDR and CVR). These are two very valuable tools for the investigator. For the record, contrary to well established folklore, they are not 'black boxes' but are invariably painted either red or 'day-glo' orange.

The modern FDR, which is in effect a crash-protected tape recorder, records its information in digital form and produces a computer compatible output. The last 25 hours of recorder time are stored and are protected against fire and impact damage; additionally, the recorders are located in the rear of the aircraft. A wide range of parameters are recorded which give the investigator a detailed picture of what the aircraft was doing prior to the event under investigation.

Interpretation of the FDR output tells what has happened but it does not indicate why; this is where the CVR proves its worth. The CVR is separate from the FDR and as its name implies records, on a 30 minute recycling tape, all cockpit conversation plus any radio telephone traffic on the frequencies selected. It is hoped that within the next couple of years the 30 minutes of recording will be increased to 90 minutes. The CVR is protected to the same standard as the FDR.

Providing a readout from the FDR and transcribing the CVR is merely the first and in some ways the most simple step in establishing the cause of an accident. The real work is involved in the analysis of the data.

It has recently become possible to feed the output from an FDR into a computer (AIB uses a PDP 1105) which then displays what has been recorded in the form of a stylised pilot's instrument panel on a visual display unit. The accident sequence can then be followed in real time giving the investigator an insight into the actions of the pilot and the workload of the crew. This is a powerful tool for investigation of accidents, and a further development will involve the synchronised replay of both CVR and FDR.

Other parties to an investigation

In a major international accident, in addition to the accident investigation authority there are four main organisations concerned with the technical investigation. These are: The Airworthiness Certification Authority; the

aircraft manufacturer; the airline operator; the Accredited Representative and advisers. The first three of these will be concerned also with a domestic accident.

The Authority with prime responsibility for the airworthiness of a particular aircraft type is, not unexpectedly perhaps, that of the state of manufacture. The state of registry has also a deep interest.

As and when significant information comes to light during the course of an investigation it must immediately be transmitted, by telephone if necessary, to those who can best use it. This can include the Flight Safety or Airworthiness Authorities, the manufacturers of the aircraft, its engines or its equipment and the airline operator. Any or all of these organisations may need to take swift and informed action straight after an accident. The Airworthiness Authority normally agrees with the manufacturer any urgent action in the light of the evidence available and then issues the necessary airworthiness directive.

Of all the parties to an investigation the aircraft manufacturers have perhaps the most urgent need for up-to-date information in order to design modifications. If all aircraft of one type have been grounded there will be commercial pressures on the manufacturer to take immediate effective action to restore the aircraft to line service. Accordingly most states allow experts from the aircraft manufacturer to take part in investigations. Certainly in the UK we foster this point of view and enjoy good working relationships with the major manufacturers.

Of all the organisations involved in the aftermath of an accident the airline operator is the most immediately affected. The media will, inevitably, name the airline along with the more sensational aspects of the accident. The management will be under extreme pressure to release information about the accident to reassure their passengers and maintain safe operations. Most countries co-opt airline staff onto the investigative team. However, it is made quite clear that any information derived from the investigation must be released only with the express consent of the investigator in charge and that on no account should it be released directly to the press. Obviously, any information related to the safety of the specific aircraft type must be relayed to the airlines at the same time as it is given to the Airworthiness Authorities.

When an aircraft registered in one country crashes in the territory of another, all information derived from the investigation is passed to the various states via their Accredited Representatives. It is vital that any such information is not made available to parties other than those directly associated with the investigation or with the dissemination of flight safety matters. Nothing is gained by premature disclosures to the media which can be, and almost always are, taken out of context for the sake of a headline. Inaccurate speculative reporting by the media has caused grave

problems for UK investigators in the past. In several notorious cases this activity has led to the states concerned refusing to release their reports for publication in the UK. Problems continually arise in countries where all information made available to public servants is automatically available on request to anyone who asks. This inhibits the free exchange of information between investigators during the course of an investigation and is counter-productive as far as safety is concerned.

Public relations

Major aircraft accidents make the headlines and have strong political implications. The travelling public need to know reasonably early the line an investigation is taking, and to be reassured that their interest is not being overlooked. It is important that the investigator in charge should be seen to be acting in a responsible manner.

It takes time and considerable effort to collect, collate, evaluate and analyse the evidence related to a major aircraft accident investigation. The media invariably clamour for fine-grain information long before it can be available. This problem is usually handled by way of press conferences when such facts that have already been established can be detailed and an indication given as to the line that the investigation is taking.

Particular problems

A fairly new problem is posed by successful modern aircraft. They have enjoyed very long production runs and have outlived the teams who originally designed and operated them. In far too many instances facts established during the course of an investigation can be related back to facts already recorded in earlier accidents and lessons forgotten with the passage of time. More thought needs to be given by the aviation administrations to the problem of how best to remind current operators of the reasons behind some operational procedure or limitation. A good understanding of a problem is a better guide to responsible behaviour than the simple blind following of an instruction, which by its very nature cannot cover all eventualities.

Not all accidents have technical causes. The sort of situation which springs to mind was highlighted a few years ago when a British freighter aircraft crashed abroad, with no technical reason for the accident apparent. During the investigation it came to light that the pilot was flying for a new employer, for the first time in command, on a route which he had not flown before, to an airfield he did not know, in fairly poor weather at night. In addition he was in partnership with his wife on a business venture which was about to be declared bankrupt and his marriage was breaking up. What sort of psychological condition was that pilot in at the time of the accident? Was he the victim of circumstances or was there some

psychological flaw in his character that could have been revealed by suitable screening? Supposing he had reported to his manager that he felt unable to complete the task allotted him, what sort of treatment could he have expected? What the answer is I don't know. The Russians for instance give all their aircrew an 'eyeball' flight surgeon's examination before each flight, but as far as is known have no better a safety record than the rest of the world.

Lawyers are increasingly involved in the aftermath of aircraft accidents. While their efforts in support of their client's claims are, I am sure, very necessary, their view of the investigation must inevitably be partisan and it is all too easy to lose sight of the aims of accident investigation. These are clearly spelt out in the UK Regulations:

> 'The fundamental purpose of investigating accidents under these Regulations shall be to determine the circumstances and causes of the accident with a view to the preservation of life and the avoidance of accidents in the future; it is not the purpose to apportion blame or liability.'

Forms Improvement in DHSS

M J Took

Two previous articles in the May* and August** 1982 editions of *Management in Government* described the preliminary study of administrative forms by Sir Derek Rayner (now Lord Rayner) which led to the publication of a White Paper in February 1982.*** The first progress report by the Management and Personnel Office to the Prime Minister and the Lord Privy Seal on the work which has been done by all Government departments in the first year following the White Paper was published in March this year.**** This article by Michael Took, a Principal in charge of the forms unit in DHSS, describes the work taking place in that department.

Introduction

DHSS is one of the largest users of forms in government, if not the largest. It has some 12,000 national forms and 40,000 other forms produced locally. Annual usage of a single form can be as high as 30 million. There are three problems in improving them: there are so many types of forms; as many as 800 people are engaged for at least part of their time in drafting or designing them; and these staff work in about 600 different offices or sections spread throughout Great Britain. However, DHSS has made a start on improving its forms, and this article explains how it set about the task and how it intends to proceed.

The forms system

Forms in DHSS are produced in four main ways. They are:

(1) *National social security forms,* used in social security offices throughout the country, generally originate in HQ.

(2) *Central office social security forms.* Two large central offices at North Fylde and Newcastle develop their own forms.

(3) *Local social security forms* are produced by the eight regional offices and 450 local offices of DHSS.

(4) *Health forms* are developed in HQ divisions.

*'Government Forms' by T L Lonsdale, *Management in Government.* May 1982, pp 107–112.

**'The Language and Design of Effective Forms, by T L Lonsdale and L F Goddard, *Management in Government.* August 1982, pp 147–153.

****Administrative Forms in Government,* Cmnd. 8504, HMSO, 1982.

*****Administrative Forms in Government,* Progress Report to the Prime Minister by the Management and Personnel Office, MPO, 1983.

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Forms improvement

Before the Rayner studies, DHSS had already taken some steps to improve its forms. For example, it engaged the Salford Forms Market (which later became the Plain English Campaign) to redesign 11 of its supplementary benefit forms.* But the main thrust towards the improvement of forms in DHSS came with the Rayner studies. Shortly before the White Paper *Administrative Forms in Government* was issued in February 1982, DHSS set up an embryo forms unit.

The role of the DHSS forms unit

Our main role is to promote the improvement of forms in the department. We are doing this in three ways: first by issuing guidance to staff engaged in forms work and training them; secondly, by reviewing about 150 major forms over two years; and, thirdly, by providing technical advice on forms (particularly new forms) and arranging for forms to be tested.

Setting up the forms unit

Much detailed work went into the setting up of our unit. Three main papers were produced which were agreed within the department and then endorsed by Ministers. The first was an action plan which set out the timetable for the main tasks, that is recruiting administrative and professional staff, procuring equipment, choosing the forms to review, producing design guidance and devising training courses. The other papers dealt with divisions of responsibility for forms work in DHSS and with the testing of forms.

Concurrently, DHSS (through the embryo forms unit) engaged the Open University to help develop a postal claim form for supplementary benefit.** Many of the lessons learned from this exercise have been used to decide how the forms unit should operate and how forms work should be tackled.

Obtaining staff and equipment

This was one of the most crucial areas. A consultant was engaged to advise on the number and type of professional staff required (as DHSS had none) and on the equipment needed. It was recognised that if this expertise was not provided, then only a limited, cosmetic improvement in forms could be expected from any review.

*See 'Form Design in the Department of Health and Social Security' by M J Took in *Management Services in Government*. August 1981, pp 169–172.

**See 'Claiming Supplementary Benefit by Post' by M J Took, *Management in Government*. May 1983, pp 120–124.

Two types of expertise were needed: skill in forms writing, or more specifically, in the use of language; and forms design and layout. Language and design skills have now been linked in one unit with knowledge of departmental subjects, procedures and practices; and the potential exists for an effective examination of forms and all aspects of their problems. Each discipline interacts with the others. The subject and its procedures and constraints affect the language and design of a form. Conversely, the marriage of language and design can suggest changes to the content of a form, and to its procedures. To develop forms properly, therefore, requires all of these disciplines.

As the necessary skills in language and design did not apparently exist in the Civil Service outside HMSO and COI, they had to be brought in. Two experienced typographic designers and two specialist writers who had linguistics and psychology backgrounds were therefore recruited during October and November 1982. They are already making a valuable contribution.

These specialist staff need proper tools for the job if they are to be effective. Again, the consultant advised on the acquisition of computerised design equipment and, on the basis of his report, this was duly obtained. The unit now has two computerised design terminals – each with a visual display screen, two keyboards, a mouse (text/graphic cursor) and a graphic tablet; the whole system could be likened to an electronic drawing board. These terminals allow forms to be designed and then displayed on screen and the text and layout to be manipulated and changed at the touch of a button. They are linked to an advanced phototypesetting unit, the basis of which is a laser. This enables high-quality copies of draft forms to be produced for test purposes. This results in speed, versatility and high productivity.

The specialised writers provide the designers with text. This is composed on special text editing terminals, with the result that the design terminals can be used for their intended purpose – design.

During the period of recruitment of professional staff and purchase of the design equipment, the administrative complement was also negotiated and agreed. It is one Principal, two Senior Executive Officers (SEOs), two Higher Executive Officers (HEOs), three Executive Officers (EOs), one Clerical Officer and one Clerical Assistant, and is from the existing HQ complement.

Choosing the forms to review

It was not easy to choose 150 forms for review from 12,000 but nonetheless it was important to get it right. A list of the most used forms was sent to the main forms producers (at Under Secretary level) to ask for nominations for review, taking account of high usage. To these

nominations were added forms which we felt should have been nominated. Of the total, 160 were chosen on the basis that they were important, had a high usage and were issued to the public.

The next step was to send the list of 160 forms to the main forms producers, this time at Principal level. The list was also sent to regional offices and to those staff in local offices who had agreed to help test forms (forms user panels). Everyone was asked to say which forms should be excluded from the list and whether any other forms should be included, and to identify badly performing forms.

Using the replies, 135 forms were chosen because they were important, high-use forms that were sent to the public and, in the main, were poor performers. The relatively straightforward forms were weeded out.

Design guidance

As the forms unit could only tackle a small number of forms, it was decided to issue a manual of design guidance to be used by DHSS staff dealing with forms. This manual has been produced by administrators, designers and specialist writers within the forms unit. It contains the procedures to be followed in creating new forms and for reviewing existing forms on reprint. Guidance worksheets on language and design, with the steps to be followed for new forms and for revising existing forms, are a main feature.

We consulted widely on the content of the procedures and with main form producers on the complete manual. The manual, called *The Good Forms Guide,* has now been distributed throughout DHSS, including a copy for each local social security office.

Training

Training is another way in which we are promoting forms improvement. Special training courses run by the forms unit on their premises have just started. It will take at least a year to train the existing staff engaged on forms work, along with those who manage them (and other staff who have some interest in forms as well). Central Office staff in North Fylde (Blackpool) and Newcastle are being trained 'on site'.

Choosing which staff to train on what was not an easy task. In the end we decided to have two different seminars, each lasting one day – one for Principals and SEOs, and the other for HEOs and EOs who have minor interest in forms work. There are also two courses: a two-day course for SEOs and HEOs who manage staff engaged in forms work which includes the seminar material, some forms design work and an exercise on forms control; and, for HEOs and EOs who actually draft forms, a two and a half-day course which includes the seminar material plus exercises on forms designing. Our designers will also give personal tuition to staff engaged in design work including the preparation of specifications for printers.

The seminars are primarily aimed at changing attitudes towards forms work; for example, it is important that civil servants should be aware of the capacity of our customers to understand and fill in forms. They include discussions with a designer and a specialist writer, a demonstration of computerised design equipment, a video film on the development of the supplementary benefit postal claim forms and a session on forms control given by forms unit administrators.

Control system

Forms in DHSS have been introduced without specific control in the past. This has now changed. An officer at SEO level has to justify the introduction of each new form by completing a certificate and passing it to the forms unit, which has a right to challenge it. Such justification requires that consideration must have been given to the cost of using the form (to DHSS and the customer), the need for it and the possible use of alternatives, such as the telephone. Consideration must also be given to using a form whenever one of the alternatives is being considered. For example, it may be more economic to produce a form rather than to instruct local office staff to have letters typed individually.

As well as our reviewing a small number of forms, the remaining forms are being reviewed by staff outside the forms unit as they fall due for reprint. This includes reviewing the need for the form and, if it is to continue, considering alternatives and improving its content.

The number of local forms is being reduced to a bare minimum. For example, many local forms are being replaced by a smaller number of national forms. Already, an estimated 60,000 local forms have been reduced to 40,000 and this number should fall significantly in due course.

Testing

It is vital to obtain the views of both public and staff on new and revised forms. Accordingly all major forms will be tested as they are introduced or reviewed. Testing will generally be undertaken with small groups of people including those who will eventually use the form. About 500 non-Civil Service organisations have been asked to help and 250 of them have agreed. Also, forms user panels of three or four staff have been set up in 22 local offices. They comment during the development of forms.

Research

Little research has been done in many of the problem areas affecting forms such as public attitudes and expectation, content and design. We have been identifying these research needs and have already arranged for one research project to be undertaken as a matter of urgency. Others are planned.

Forms unit operations

We have deliberately set out to integrate the forms unit into the existing forms system in DHSS and have consulted widely with staff affected by our operations. We hope that this will give credibility to the unit and minimise any resistance to change.

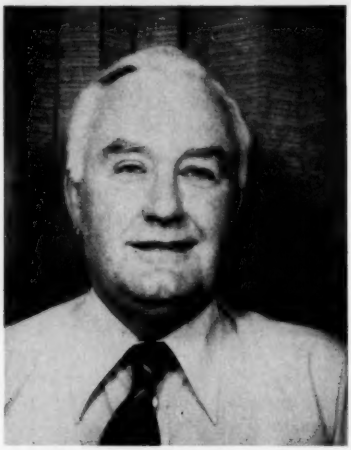
The future

It has taken many months of absorbing novel work to establish the forms unit and bring it into operation. We now have a challenging and exciting task ahead. We are already very busy and the indications are that we shall continue to be so. Everyone in the unit is going through a learning experience. As we learn lessons on language and design, we shall pass them on to staff.

Will all our efforts be successful? Will DHSS have better forms? That is something we cannot answer positively at this stage. We hope so, but it will be some time yet before DHSS can claim success.

Staff Welfare in the Civil Service

J J Allen



John Allen spent the first 25 years of his Civil Service career in the Inland Revenue dealing with tax matters where he became an Inspector of Taxes. In 1973 he moved to welfare work and since 1978 has been Chief Welfare Officer in the Lord Chancellor's Department.

'It is the whole man or woman who comes to work and each of us knows by experience that all sorts of outside circumstances as well as the actual situation at work can affect how we work – all of us'.*

It is the acceptance of this concept, expressed by Sir Ian Bancroft when he was Head of the Civil Service, and an understanding of its implications which have led to the creation and development of a welfare service by the Civil Service and by some other large employers.

An investment

The Civil Service is a large, complex and diverse organisation which is labour-intensive and in spite of the introduction of modern technology is likely to remain so. Efficient management is concerned with obtaining the maximum use and best possible return on investment. This is clearly understood when the investment is in plant and machinery and effort is put into monitoring and keeping the equipment in working order. The

*_Staff Welfare in the Civil Service_. 2nd ed, Civil Service Department 1979, foreword, p iii.

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investment in people is just as important, and in the case of any labour-intensive organisation just as expensive as the investment in plant and machinery. Money is invested in recruiting and training the labour force and in maintaining it through an efficient and effective personnel and line management system.

We live in a society which imposes strains and stresses upon the individual, some of which may have an adverse effect upon work performance. Personal, family, domestic or social problems can affect work performance and attitudes and reduce efficiency. It is with these matters that the skill or expertise offered by a trained specialist welfare service can help, and thus assist to maintain an acceptable return on the investment made.

Humane image

Throughout the 20th century the Welfare State has been developing and a variety of aids and support systems have been created in order to help those members of society who have difficulty in coping with the problems of living in our modern society. An expectation has grown that society should offer help to those with problems and this has developed into a presumption that one of the sources of help should be the employer. A 'good employer' is therefore expected to provide a service of help and assistance to its employees and present a humane image. If an employer is to attract good quality recruits and create a loyal and conscientious attitude amongst its employees it is necessary to meet this expectation. An effective welfare service is one way of doing so.

A welfare service thus helps in recruitment and in obtaining the maximum return on investment. These two benefits are complementary and, together or apart, make a strong argument for the existence of such a service.

Management

The existence of a welfare service does not absolve line management from having a responsibility for the welfare of staff. If an effective and efficient work performance is to be achieved, an understanding of staff as individuals is necessary. What will motivate and stimulate one may not another, and reaction to problems is also likely to differ. The line manager is in the best position to identify individual needs and he should attempt to develop a relationship with staff that will encourage them to share with him any difficulties that arise. In some cases the solution may be simple and easy to achieve, in others it will be merely to listen. There will be other cases where the problem will need more time, knowledge and expertise than can be provided by the line manager and it is in such cases that a specialist welfare service can help.

The occupational welfare service and outside organisations

It is worth distinguishing the welfare service offered by the Civil Service from that provided by some outside organisations. Local Authority Social Services Departments, The Family Welfare Association, Citizens Advice Bureaux and other similar organisations exist to satisfy a general social need.

The Civil Service welfare service is an occupational welfare service which offers advice, support and a counselling service to employees when problems and difficulties arise and advice to management as to how such matters can best be dealt with in order to minimise the disruption to the efficiency of the organisation. The outside organisations mentioned are not necessarily an alternative to the Civil Service welfare service, as they often lack the specialist knowledge of the Civil Service which can be essential to the effective resolution of a problem. The help that can be offered by the welfare service can be given directly to the member of staff or by way of advice to management as to how any problem might best be dealt with or, as so often happens, a combination of both. It is therefore a consultancy service which is available to both staff and management.

Structure and status

The welfare service in the Civil Service is organised on a departmental basis and the size and organisation of the department will dictate the structure and its *modus operandi*. The larger departments have a Chief Welfare Officer who is a Principal or Senior Executive Officer supported by a team of Welfare Officers graded as Higher Executive Officers and Executive Officers. Smaller departments may have only one Welfare Officer designated as Chief Welfare Officer but of the Higher Executive Officer grade.

At present there are some 400 Welfare Officers serving 650,000 industrial and non-industrial civil servants. A calculation made by one department showed that in 1982 the cost of providing its welfare service was just over £21 per member of staff; and it is believed that this is typical.

The role of the Chief Welfare Officer is important in that it is he who will dictate the style and practice of the service; support, guide and supervise the Welfare Officers and ensure that their training and development is adequate to meet the needs of the service. In addition he will advise the department on the welfare aspects of personnel and management policy, develop and maintain a relationship with senior management and stimulate activity in the department regarding group welfare questions. All these matters will have an influence upon the effectiveness of the service.

The Welfare Officers generally have their duties allocated on a geographical basis. They are normally responsible for staff welfare for their department's offices in a particular geographical area and will make every

effort to get to know the staff and management at all levels in those offices. In addition to this the Welfare Officers will develop a working relationship with those who are responsible for the personnel management of the offices with which they deal. This latter relationship is important as in some cases the solution to problems can involve discussion and negotiation with the appropriate personnel manager.

The status of the welfare service plays an important part in its effectiveness. From a staff and management point of view, if its perceived status is low it is unlikely that it will be used to full advantage either by staff or management and the investment in the service will not therefore earn an adequate return. Status is not given by right and can only be earned by a hardworking, conscientious approach to the duties and by producing results that are of value to those who seek advice. It is the Chief Welfare Officer who should create and maintain the type of service that is likely to earn the status which is necessary.

Selection of Welfare Officers

The nature of a Welfare Officer's duties makes it important that particular care is taken in selecting those who fill the post. Serious damage can be caused to the client, the welfare service and the Welfare Officer if the motivation and commitment to the duties are not soundly based. The duties require a mature and balanced personality with the ability to develop an insight into clients' problems. The Welfare Officer should be aware of his or her own strengths and weaknesses, levels of tolerance and prejudices and have a clear understanding of his/her motivation to do the work. In addition, the Welfare Officer should have the intellectual ability to develop a clear and objective view of a problem through what can often be an opaque and muddled situation. A further important requirement is the ability to relate to and be accepted by all levels of staff from the most junior of new entrants to the top management of the department.

Training

Most departments organise induction training for their Welfare Officers which concentrates upon departmental custom and practice and lays down the perimeters of their activity. They are introduced to casework and are closely monitored, supported and advised by either the Chief Welfare Officer or an experienced colleague. It is considered that greater benefit is achieved from formal training if there has been some experience of casework and because of this the formal training commences some two to three months after appointment.

The formal training consists of a one-week residential course at the Civil Service College, Sunningdale, followed by a further week's residential course some seven to eight months later. The course includes training in

the techniques of counselling and in dealing with the problems created by mental and physical health, addictions and bereavement et cetera. The training is intense and makes heavy demands upon the officer. There is a great deal to learn about the techniques of the work and in so doing acquiring knowledge of oneself, which as has already been stated, is important in carrying out a Welfare Officer's duties effectively. Alongside the formal training there are opportunities to attend training courses and seminars about a variety of subjects organised by outside bodies. Each year the Welfare Officer attends a one-day Interdepartmental Welfare Officer Training Conference which considers the wider social issues involved in welfare work.

Confidentiality and independence

The kind of problems which are presented to the welfare service are often very sensitive and of a kind that the individual client may not wish to share with others. It is because of this that the welfare service is given power of confidentiality. The exception to this is that information cannot be accepted in confidence about criminal matters nor about matters which contravene the Conditions of Service Code. When such information is given to a Welfare Officer and it is necessary for it to be passed to others then it is done preferably with the client's agreement and always with his knowledge.

The power of confidentiality and independence from management are the cornerstones of an effective welfare service. The knowledge that information given will not be passed on is a strong encouragement for staff to share the most intimate of problems with the Welfare Officer and thus create the opportunity of resolving them in a way that is acceptable to all involved. The fact that the welfare service is independent of management will encourage staff to accept that advice and support offered by it is unbiased and objective and that their needs and those of management have been balanced. Without the power of confidentiality and independence from management, staff may be reluctant to use the service and possibly repress their problems until they appear to be insoluble.

'Welfare Officers do not solve people's problems'

'Welfare Officers do not solve people's problems but endeavour to help people to solve their own.' This is a basic tenet of the welfare service, and experience has taught that this is the only valid approach. Welfare Officers should not take on client's problems but should help the individual solve his own and in so doing help him to overcome them and avoid repetition in the future or, if this is unavoidable, to learn to cope with the repetition. The Welfare Officer can offer support and understanding while the individual is working through the problem and in addition can help the individual view

the problem from many different angles and to objectively assess the alternative areas of action which are available.

Within this concept it is valid for the welfare service to offer advice about practical matters and to be seen as a source of information about the variety of benefits and services which are available within the Civil Service and from outside sources. Advice can be given on where applications for assistance may be made, how they should be made and the best way of presenting the background to the problem. Welfare Officers, however, should not set themselves up as experts about subjects which are specialisms in themselves. It is not uncommon, for example, for the welfare service to be consulted about legal matters such as divorce, landlord and tenant problems and so forth. Some knowledge of these subjects may have been acquired from other cases which have been dealt with but it would be dangerous to formulate advice based upon such knowledge. The problem can be discussed and defined and objectives set but action should not be advised without pointing the client in the direction of expert advice.

The setting of this limitation does not restrict the welfare service to that of a referral agency. There are many matters which can have an affect upon the quality of life of an individual and thus have an effect upon his work performance. The training and expertise of the Welfare Officer can help with these and contribute towards making the member of staff more effective.

The categories of problems encountered include:

- Personal problems, eg domestic and relationship difficulties, financial problems – the problem is discussed with the client to enable him to reach a solution or come to a clearer understanding.

- Health problems – support and help are offered with some of the practical, social and emotional problems which can arise from ill health; and a report on the social and domestic background is provided to the Civil Service Medical Service for people on long-term sick leave.

- Bereavement – support and help are offered to those who have been bereaved.

- Retirement – those approaching retirement are conselled; and they are helped to make the most of the opportunities which can arise when the routine and discipline of daily work are no longer present.

This list is not exhaustive and does not include the help, advice and support that can be given to management when a member of staff is undergoing 'welfare' type problems which are damaging the atmosphere, morale or general effectiveness of the unit, section or office.

It is the general experience of managers and welfare officers that personal problems, bereavement and the apprehension of approaching retirement cause anxiety which can have a significant effect on work performance, while in the case of sickness welfare officers can help staff to return to normal duty earlier than may be possible. Two examples will illustrate this:

- The work performance of a Higher Executive Officer had deteriorated; he would not confide in his line manager and was advised to consult the Welfare Officer who discovered that both he and his wife were worried by the behaviour of their teenage son. With support from the Welfare Officer, the help of experts introduced by him, and the passage of time, the officer came to terms with the problem and his work performance returned to a satisfactory standard.

- An unmarried female Executive Officer in her mid-40s had been admitted to hospital suffering from an acute anxiety state. The Welfare Officer was able to discuss her work problems with the 'treatment team' and to tell them about the managerial attitude, office atmosphere and past and future pressures of work; this information influenced the treatment enabling the officer to return to work earlier than otherwise would have been the case. A supplementary but important contribution was that line management was reassured that when she returned to work she should be treated no differently from any other member of staff.

Most departments keep statistics of the work performed by their welfare services and these show that between 10 and 15 per cent of staff consult a Welfare Officer during any one year and that such consultations can lead to one or more interviews. In addition, large numbers of staff seek information about civil service benevolent and social organisations, local authority services, national insurance benefits and the activities of a variety of voluntary organisations.

Conclusion

The Civil Service exists to administer legislation passed by Parliament and in order to do this the employment of a large number of people is necessary. The management of people and groups of people is always complicated, the more so because it is inevitable that they will bring to work the whole range of feelings and emotions which go to make up an individual. Management must take these feelings and emotions into consideration if they are to maintain the humane image necessary to recruit good quality staff and to get the maximum value from the activity of the

individual. It is in assisting to deal with these matters that a welfare service can help.

Sir Henry Wilson Smith, second Permanent Secretary to the Treasury, in a lecture to the Industrial Society in the mid-1940s recognised the need for a welfare service and summed up the need in the phrase 'effciency through contentment'. This phrase is as valid now as it was in the mid-1940s. Perhaps even more so, and it is to achieve this end that the Civil Service Staff Welfare Service exists.

The Public Appointments Unit

C V Peterson

Colin Peterson has been an Under Secretary in the Management and Personnel Office since March 1982. From 1974–82 he was on the staff at Number 10 Downing Street as the Prime Minister's Secretary for Appointments.

It is hard to exaggerate the importance of good appointments in an organisation, whether in the public or the private sector.

The main purpose of the Public Appointments Unit (PAU) is to make a contribution to the quality of appointments in the public sector. For the record, the PAU was set up by the Prime Minister (then the Rt Hon Harold Wilson) in 1975, with these terms of reference:

> 'In conjunction with departments generally and in consultation with representative bodies to improve the recruitment of able people from all sections of the community for public service.'

Since the 1981 reorganisation of the central departments, the PAU has formed part of the Management and Personnel Office. It has a staff of 11 including a Director (Under Secretary) and a Deputy Director (Assistant Secretary), both of whom have other responsibilities as well; and a Principal.

The PAU has two main functions, an 'input' function and an 'output' function.

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The 'input' function is to maintain the Government's Central List of names of people considered suitable for public appointments. The PAU receives suggestions and recommendations from every kind of source: from Ministers, Members of Parliament, government departments, local authorities, representative organisations, and from individuals putting forward themselves or others.

The Central List now includes about 5,000 names. It is today's successor to what used to be called in Whitehall and elsewhere (and the title inevitably persists!) the 'Book of the Great and the Good'.

We have made progress since the Unit was established – now about half the names on the Central List come from London and the South East, and the other half from the rest of the country. About 16 per cent of the names are women – a proportion which is, bearing in mind the problems, a respectable one, but which the PAU is keen to increase, as a contribution to the wider objective of achieving a higher proportion of women filling public posts. And the names on the List are very varied in background, age and experience; the PAU needs to be in a position both to suggest candidates for chairmanships and to suggest people who might be members of public bodies, regional as well as national.

The staff of the PAU engaged in advising departments meet regularly to review nominations received for the Central List. If a nomination is judged likely to be useful (as far as can be foreseen) the name is indexed in the PAU's micro-computer, with the person's experience, qualifications and interest coded so that the name can be readily retrieved when somebody with that experience or qualifications is being sought for. The range of public appointments is so wide that no useful background is ignored, and all nominations received are kept on record. Sometimes an individual makes it clear that he or she is interested in only a specific area of work, and in such a case the PAU might well bring the name to the notice of the department concerned.

Having one's name on the Central List carries no guarantee that any appointment will be offered, since the Unit provides only an advisory service to departments and does not itself make appointments. While no benefit may be gained from having one's name on the List, no disadvantage will follow. Any public appointment offered can always be declined, whether or not the recommendation came through the PAU.

The 'output' function of the PAU is to respond to requests from departments for advice and for suggestions for an appointment or group of appointments with which the department is dealing. Departments do not have to consult the PAU; and the PAU would indeed be swamped if it was involved in every public appointment. 'How many public appointments are there?' is one of those questions to which there is no accurate answer. There is no central record, everything would depend on definition and it

would not be a very meaningful figure! To give an idea, however, the majority of ministerial appointments are made to non-departmental public bodies and to the nationalised industries. Details of these bodies are provided in a new annual *Public Bodies* which brings together information from three earlier separate publications in this field. *Public Bodies 1982** lists 1,810 non-departmental public bodies to which The Queen or her Ministers make 41,212 appointments and 323 appointments to the 32 nationalised industries. Of these appointments 278, including 94 to nationalised industries, are full-time paid appointments; the remainder are part-time.

When a department does seek the advice of the PAU, the PAU first makes sure, so far as possible, that the department has supplied an adequately clear specification of the sort of person required for the vacancy. Then one of the Executive Officers carries out a search, using the computer; the files for the names produced by that search are assessed, and a short-list of suggestions prepared. This list will normally be considered by the Principal and sometimes by the Director or the Deputy Director (or both) as well before being submitted to the department, either in writing or at a meeting. The department may then review the names suggested by the PAU, and ask the Unit for further advice about particular names. But it is not bound to make its choice from the names the PAU has put forward.

Even when departments do not turn to the Unit for names, they often seek the PAU's advice on their own candidates for appointments, both to secure a second opinion and also because the PAU – if departments keep it informed as they are encouraged to do – will know about commitments, and conflicting approaches to busy people can thus be avoided.

The Unit works closely with those departments which still maintain their own lists, such as the Department of Employment with its trade union lists, Scottish Office, Welsh Office and Northern Ireland Office. The Lord Chancellor's Department keep their own lists for judicial and legal appointments. Other departments with specialised needs maintain their own records.

The work of the PAU is thus a mixture of receiving and reviewing nominations, seeking references and so forth; and receiving and responding to requests from departments for suggestions.

Executive search consultants

A separate function of the PAU is to provide a central point in Whitehall for information about executive search firms, and to be a point of contact on occasion for such firms. The decision whether or not to use executive

**Public Bodies 1982*. HMSO, 1983.

search consultants for a public appointment is one for the responsible Minister to make. The PAU itself has no capacity for 'head-hunting'; it is easy to see, too, that there could be reservations about the idea of civil servants engaging in this activity. The PAU is often helped by executive search firms, and is grateful for its contacts with them. Those firms know that the PAU has this central function and that it stands ready to advise departments on firms which might be appropriately invited to tender when it has been decided to place an assignment with such a firm. The normal rule is of course that more than one firm is always invited to tender, and perhaps to make a presentation.

In the nature of things it is not easy to measure the 'output' of the PAU. It has, for example, never been practicable to produce accurate figures for the number of people recommended by the Unit who are actually appointed to a public body. This is because a long time sometimes elapses between recommendation and appointment, the PAU does not always learn the outcome from departments, and the latter may not always remember where the suggestion originated! Sometimes, the same name emerges from several sources including the PAU – who is then to take the 'credit' for it?

The existence and the methods of working of the PAU are in no way secret or confidential; part of the reason for its existence was, and is, the wish to do away with unnecessary mystery and myth about the way in which public appointments are filled, and to provide a central point where people ready to be considered for public service can make that readiness known. So the PAU welcomes publicity; yet it is cautious about greater self-advertisement because it would be only too easy – however carefully an advertisement was framed – to raise expectations that having one's name on the PAU's books will produce a public appointment which, as this article has tried to show, does not necessarily follow. This tension between 'openness' and the operational need to have more names for the Central List (and to know more about those names), and the restraint suggested by the Unit's advisory role, is an ever-present one. But the Unit offers its staff the very real satisfaction of making a contribution, sometimes significant, sometimes small, to the quality of public appointments.

Local Management Co-operation Projects: The First Year

M F Neale

Mark Neale wrote this article as an Administration Trainee in Personnel Management Division 2 of the Management and Personnel Office where he acted as central co-ordinator of the projects. He has since been loaned to the Department of Education and Science.

Over the last year and a half the MPO has sponsored five projects in local management co-operation, bringing together the managers of government offices in Darlington, Peterborough, Northampton, Preston and Exeter. The first project, in Darlington, began in January 1982; and the last of the current sequence, in Exeter, in April 1983. Each is due to run for two years before the progress and benefits are reviewed, the lessons drawn out and the implications for the rest of the Service finally assessed. This is, in other words, an interim analysis. It is also a personal one, though leaning heavily and gratefully on the reactions of managers in all the locations, but particularly in Darlington where the local managers' group has conducted its own first-year review.

The initial impetus for the experiment came from Lord Rayner's 'Lasting Reforms' recommendation that policies can be devised 'to enable staff to

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give of their best'.* Local management co-operation looked to hold out two worthwhile benefits: first, an expansion of facilities for staff at local level; and, secondly, the sharing of any under-used resources, so contributing to the collective efficiency of government in the locality. The overall objective was to see whether collaboration between offices could make life easier, if only at the margins, for managers and staff alike.

That was the original concept, and so common-sensical does co-operation seem that it is perhaps worth asking why a central initiative should have been needed to bring it about. The answer may lie in departments' cultural self-sufficiency bred of their particular functional and organisational backgrounds and histories. There has been, of course, collaboration between local offices where a common Service-wide function like clerical recruitment or the provision of accommodation has necessitated it. But as far as I am aware, there are few examples of systematic arrangements which go wider than these specific areas of co-operation. Departmental managers at all levels have traditionally looked to their own management line for assistance with problems rather than to colleagues in other departments. This has meant that at local level the Civil Service has always operated in practice as the loosest of confederations; conscious, like the Greek city states, of common ancestry and shared traditions, but too preoccupied with internal affairs to pool resources. It is a measure of this introspection that in the five locations chosen managers had not generally met each other before the experiment brought them together; and this despite the fact that all five towns fell under the umbrella of collective local recruitment arrangements.

It was, however, central to the experiment that it should be the managers themselves, once MPO had in its role as facilitator set up the first meeting, who carried the project forward. If local co-operation was to prove itself and break down local inhibitions, it would have to do so in the managers' own self-interested terms. In other words co-operation would have to throw up tangible benefits for local offices, their staff and their managers. The evidence of the first year is that they have done so; certainly this was the encouraging conclusion of the Darlington managers' first year review.

It would be fair to say that, at the outset, few managers had any concrete expectations. There was a general feeling that the project deserved a run for its money, but also a measure of scepticism that common ground existed in practice between specialised departments performing a variety of divergent functions. A year on, experience has enabled managers to define with greater precision what objectives they can realistically set for

*'Note on Progress with Rayner Exercises: Memorandum submitted by Sir Derek Rayner,' in *Efficiency and Effectiveness in the Civil Service*. 3rd report of the House of Commons Treasury and Civil Service Committee (Session 1981–82), HC 236 II, HMSO, 1982, pp 85–89.

themselves and, although the benefits vary between locations, it is possible to isolate four as central to the project. First, the meetings, which generally take place every other month, have established contacts between managers which might not otherwise have been forged and which have greatly facilitated exchanges of help with a variety of resources. These have ranged from straight-forward bilateral assistance with photocopying or the loan of conference and training rooms to the expansion of sports club fixture lists, the fuller use of canteen facilities and car-sharing arrangements. Small offices with limited resources of their own have benefited particularly by gaining access to a wider range of facilities.

Secondly, the meetings provide an accessible forum for those managers whose responsibilities bring them as a matter of course into contact with their colleagues at local level. For example, the Property Services Agency (PSA) has generally found the groups valuable in eliciting the views and anxieties of other local managers about the move to repayment for minor works. Jobcentre managers have used the meetings effectively to explain their recruitment facilities. Likewise Manpower Services Commission training division managers have given presentations about the Youth Training Initiative: what opportunities it provides and how government offices may be able to contribute. For their part other members of the groups have welcomed the chance to put questions afforded by the presence of representatives from these departments.

Thirdly, the opportunity simply to exchange views has emerged as one of the major benefits of the experiment. Managers have welcomed finding out about the management responsibilities of their colleagues and, in particular, about the financial and manpower constraints within which they are working. These exchanges have assumed increasing importance as the impending movement towards local office budgets has impinged on managers in general, and on local co-operation in particular.

Fourthly, managers have found on a number of issues that local offices either potentially, or in fact, have common interests which can be pursued collectively through the group. Some build on pre-existing collaboration. For example, all the groups have reviewed local recruitment and two have decided to assume direct responsibility for collective arrangements hitherto co-ordinated from outside their respective towns. Similarly, on accommodation, the groups have built on existing contacts with PSA with a view to assuming a co-ordinating role in the selection of local contractors. This will initially take the form of exchanges of information, based on managers' personal experiences, about the quality, speed and costs of contractors. New ground is also being broken. Several of the groups are looking at scope for running locally non-specialist training courses of general interest, particularly, but not exclusively, in the field of

computer awareness. A computer familiarisation seminar involving 100 staff has already been run as a result of one group's initiative and a computer workshop is being planned by another. Welfare arrangements also offer scope for co-operation; one group has established a common welfare facility which provides that urgent cases, arising from non-office circumstances, may be referred by local managers to the Welfare Officer based in the town. Making use of the facilities and expertise on the ground is a key factor in all these projects.

Of the four objectives outlined, the Darlington review suggested that the majority of participating managers felt that the opportunity of meeting their colleagues was still their principal objective in attending the meetings and in itself justified the experiment. At face value this might appear to be a small return for the investment of time and resources, although, as one Darlington manager put it, 'the value of the contacts is apparent when you need them'. Perhaps more important, the consolidation of contacts, which can only take place at group meetings, lays the groundwork for the planning and launch of more ambitious projects of the kind outlined above which embrace interests common to all or a majority of local offices.

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The Civil Service College runs a wide range of courses and seminars, many of which are open to both civil servants and people outside government. A small selection of the courses due to be held between November 1983 and January 1984 is shown below with a contact point for further information.

Course Title	*Dates*
Consultation and negotiation	12–16 December 1983
Managing technological change	12–16 December 1983
Consultancy skills for assignment officers	4–13 January 1984
Interview training skills for trainers	23–27 January 1984

Contact: Mr B Hogan, Civil Service College,
Sunningdale Park, Ascot, Berks SL5 0QE
Telephone: Ascot (0990) 23444 ext 341 or GTN 2092 341

Introduction to economics	7 November–2 December 1983
Understanding the British economy	7–9 November 1983
An introduction to the UK financial system	12–16 December 1983

Contact: Mrs V Stamler, Civil Service College
11 Belgrave Road, London SW1V 1RB
Telephone: 01-834 6644 ext 436 or GTN 2803 436

Efficient administration in government	7–18 November 1983
Working in economic statistics	5–7 December 1983
Sampling schemes for auditors	5–7 December 1983
Basic statistics	30 January–3 February 1984

Contact: Mrs I Somerville, Civil Service College
Sunningdale Park, Ascot, Berks SL5 0QE
Telephone: Ascot (0990) 23444 ext 278 or GTN 2092 278

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Information systems security	19–23 September 1983 21–25 November 1983 16–20 January 1984
Information management in the Civil Service	27–29 September 1983 29 November–1 December 1983 31 January–2 February 1984
Implementation and operation of information technology systems	7–9 November 1983

Contact: Mr P Dunn, Civil Service College,
11 Belgrave Road, London SW1V 1RB
Telephone: 01-834 6644 ext 412 or GTN 2803 412

Basic assignment skills and strategy	27–29 September 1983 11–13 October 1983 25–27 October 1983 8–10 November 1983 22–24 November 1983 6–8 December 1983

Contact: Mr A Rushton, Civil Service College
11 Belgrave Road, London SW1V 1RB
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Contact: Dr J Metcalfe, Civil Service College
11 Belgrave Road, London SW1V 1RB
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This is a list of the documents issued recently by the Management and Personnel Office on management in the Civil Service. These items may be examined in the *Central Management Library, Management and Personnel Office, Old Admiralty Building, Whitehall, London SW1A 2AZ,* and copies may be ordered from the same address. HMSO publications may be ordered from *PO Box 276, London SW8 5DT,* from any Government Bookshop, or through any bookseller.

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Civil Service Management Development in the 1980s
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Cognitive Test Marks and Test Indices at CSSB
by B M Moore
1982; 10 pages; gratis
Recruitment Research Unit Report no. 16

Interchange of Staff between the Home Civil Service and Industry and Commerce: Report for 1982
1983; 8 pages; gratis

List of Ministerial Responsibilities
July 1983; 24 pages; gratis

Opportunities in Adult Further Education: England and Wales
1983; 12 pages; gratis

Review of Personnel Work in the Civil Service: Report to the Prime Minister
by J S Cassels
HMSO; 1983; 83 pages; £5.40
ISBN 0 11 630468 5

A Student's Guide to Day Release for Civil Servants under 18: Scotland
1983; 12 pages; gratis

Towards Retirement
HMSO; 5th ed 1983; 55 pages
(available to Government Departments from HMSO Bristol, on form SC101 quoting 28–2178; available to Non-Government Departments from Central Management Library for £1.00)

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Alcoholism and Employment: Report of a Seminar . . .
by Dr G McNeill
1983; 18 pages; £1.00
Working Paper no. 34

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HMSO; 1983; 121 pages; £5.00
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